

# Law on Copyright and Neighboring Rights

## TABLE OF CONTENTS

	<i>Article</i>
Chapter 1:	General Provisions
	The Objectives of the Law on Copyright and Neighboring Rights ..... 1
	Legal Regulation of Public Relations in the Sphere of Copyright and Neighboring Rights ..... 2
	International Agreements of the Republic of Armenia.. 3
	General Definitions Used in the Law. .... 4
Chapter 2:	Copyright
	Works Constituting the Objects of Copyright ..... 5
	Works which are not Considered as an Object of Copyright ..... 6
	Effectiveness of Copyright on the Territory of the Republic of Armenia..... 7
	Origin of Copyright. Presumption of Authorship..... 8
	Interrelation between the Copyright and the Property Right to the Material Carrier ..... 9
	Co-Authorship..... 10
	The Personal Non-Property (Moral) Rights of the Author ..... 11
	The Property (Economic) Rights of the Author or Another Holder of Copyright ..... 12
	Free Use of the Work ..... 13
	Use of the Work for Personal Purposes..... 14
	Use of the Work by Reprographic Reproduction ..... 15
	Free Use of the Work Located in Open for Attendance (Public) Places ..... 16
	Free Use of Ephemeral Audio and Video Recordings by Broadcasting Organization..... 17
	Free Reproduction of Computer Programs and Machine-Readable Databases. Decompilation of Computer Programs ..... 18
	Copyright in an Employment Work ..... 19
	Copyright in an Audiovisual Work ..... 20
	The Right of the Author of Work of Art ..... 21
	Copyright in Collection Work..... 22
	Copyright in a Derivative Work..... 23
	Copyright in an Interview ..... 24
	Copyright in a Collective Work ..... 25
	Inheritance of the Copyright and its Term of Validity .. 26
	Transfer of Economic Rights by the Author's Contracts ..... 27
	The Conditions and Forms of an Author's Contract .... 28
	The Liability of the Parties in Case of Infringement the Author's Contract..... 29
Chapter 3:	Neighboring Rights
	Subjects and Objects of Neighboring Rights..... 30
	The Procedure of Protecting Neighboring Rights ..... 31
	Conditions of Protection of Neighboring Rights..... 32
	The Rights of the Performer..... 33
	The Rights of Producers of First Fixations of Performances or Audiovisual Works ..... 34
	The Rights of a Broadcasting Organization ..... 35
	Limitation of Rights of the Performer, Producer of First Fixations of Performances or Audiovisual Works and the Broadcasting Organization ..... 36
	The Use of a Phonogram or a Videogram Published for Commercial Purposes ..... 37
	Term of Validity of Neighboring Rights ..... 38
Chapter 4:	Ensuring of Copyright and Neighboring Rights

	Establishment of Organizations Ensuring the Economic Rights of the Author on a Membership (Collective) Basis.....	39
	The Organization Administering Observation and Protection of Copyright and Neighboring Rights.....	40
	Functions of Organizations Ensuring Economic Rights on a Membership (Collective) Basis .....	41
Chapter 5:	Protection of Copyright and Neighboring Rights	
	Infringement of Copyright and Neighbouring Rights ...	42
	The Protection of the Copyright and Neighbouring Rights.....	43
	The Measures of Ensuring the Claim on Infringement of Copyright and Neighbouring Rights .....	44
Chapter 6:	Final Provisions	
	Rights of Foreign Persons .....	44 <sup>1</sup>
	Entry into Force of the Law .....	45

*Adopted by the National Assembly  
8 December, 1999*

## **Chapter 1 General Provisions**

### *The Objectives of the Law on Copyright and Neighboring Rights*

**1.** This law regulates the relations connected with creation and use of works of science, literature and arts (copyright), performances, phonograms, programs of broadcasting organizations (neighboring rights).

### *Legal Regulation of Public Relations in the Sphere of Copyright and Neighboring Rights*

**2.** Public relations in the sphere of copyright and neighboring rights are regulated by the Constitution, Civil Code, this Law, other laws and legal acts of the Republic of Armenia.

### *International Agreements of the Republic of Armenia*

**3.** If other norms are established in the international agreements signed by the Republic of Armenia, those norms shall be applied.

### *General Definitions Used in the Law*

**4.** The following general definitions are used in this law:

**Exclusive right**—the right of the holder of property rights to the results of intellectual activity to lawful use of this object of intellectual property at his/her discretion in any form and any manner. The use of the objects of intellectual property by other persons is allowed only with the consent of the rightholder of exclusive rights. The holder of exclusive rights can transfer his property rights to another person in whole or in part;

**Disclosure**—an act of first making the work, phonogram (or videogram) accessible to the general public (to the unlimited circle of persons) with the consent of the author or the other rightholder of copyright or neighboring rights by means of publication, public performance, public display, broadcasting or by other means of issue to the public;

Issue to the public/publication/—with the consent of the author or the other rightholder of copyright or neighboring rights, the putting into circulation of copies of a work, phonogram (or videogram) manufactured by any means if the availability of such copies has been such as to satisfy the reasonable requirements of the public, having regard to the nature of a work or a phonogram (or videogram). The making available of a work or a phonogram (or videogram) **by means of** electronic information systems shall also constitute publication. The performance of a dramatic, dramatico-musical, audiovisual or musical works, the recitation of a literary work, the broadcasting of literary or artistic works, the exhibition of a work of art, and the construction of a work of architecture shall not constitute publication;

**Collective work**—a work, created by two or more persons, on the initiative and responsibility of a physical or legal person;

**Performer**—an actor (of theatre, cinema, etc.), a singer, a musician, a conductor, a dancer or another person who plays a role, sings, recites, declaims, plays on a musical instrument, performs literary or artistic works, circus, puppet, variety and other similar shows;

**Producer of first fixation of the performances and audiovisual works**—a physical or legal person on whose initiative and responsibility the first fixing of any performance, of an audiovisual work or of sounds in the form of a phonogram, videogram or audiovisual record was executed;

**Author**—a physical person, the result of creative labor of whom the work is;

**Phonogram**—**exclusively aural** fixation of sounds of a performance or other sounds, or of digital presentations or any other form thereof, in any manner and on any material carrier;

**Communication**—display, performance, broadcasting of a performance of work, of a phonogram, a videogram, of a program of the broadcasting organization or execution of any other act (with the exception of distribution of copies of a work, phonogram (or videogram)), whereby they become audible or visible irrespective whether or not they are actually perceived by the public (by third persons);

**Broadcasting**—dissemination (transmission) of images and (or) sounds or representations thereof through electromagnetic waves by wire (including cable communication) or by wireless means (including broadcasting over the air by radio, television or satellite communications) in such a way as to cause the images and sounds to be received by the public (third persons). The transmission of encrypted signals is also considered **broadcasting** if their decrypting means are supplied to the public (third persons) by a broadcasting organization or with its consent;

**Program of the broadcasting organization**—**is a body of live or recorded material consisting** of images and (or) sounds, or other information, meant for distribution and created by an air or cable broadcasting organization, or on its commission and with its funds by another organization;

**Public performance**—presentation of a work, a performance, a phonogram, a program of a broadcasting organization by the recitation, playing, singing, dancing or by other means and manners, either directly (live performance) or with the aid of any equipment or processes, in those places where this presentation may be perceived, without the necessity of performing a public communication, stipulated by the paragraph 14 of this Article, and where persons outside the usual circle of a family or of closest acquaintances are or can be present, irrespective of their being in the same place at the same time or in different places in different times;

**Public display—showing** of an original or the copies of the work, a performance, a program of a broadcasting organization, directly or on the screen by means of films, slides, TV frames or other equipment and processes, in those places where this **showing** may be perceived without the necessity of performing a public communication stipulated by the next paragraph of this Article, and where persons outside the usual circle of a family or of closest acquaintances are or can be present, irrespective of their being in the same place at the same time or in different places in different times; Public display of an audiovisual work means also the showing of individual frames of the work without keeping to their sequence.

Public communication—communication over the air or by the cable or by other way of a work, a performance, phonogram, a program of a broadcasting organization, images and (or) sounds, in such manner that the persons outside the usual circle of a family or of closest acquaintances may receive said images or sounds in those places the distance of which from the initial point of the communication is such that the images and sounds would not be received in the said locations or in other places without the mentioned communication, regardless of the fact whether the above mentioned persons can receive the images and sounds in the same place at the same time or in different places in different times;

**Copy of a phonogram**—duplicate of a phonogram containing all or substantial part of the sounds fixed in a phonogram and made from the phonogram directly or indirectly on any material carrier;

**Public**—large number of persons outside the usual circle of a family or of closest acquaintances, regardless of their presence at the same place at the same time or in different places in different times;

**Decompilation of a computer program**—converting the object code of the program to its source code;

**Rightholder of a copyright and (or) neighboring rights (an entitled person)**—an author or a performer having the economic rights, a physical or legal person, to whom the economic rights have been assigned or who was from the beginning entitled by the economic rights;

**Imitation/counterfeit/**—copy of a work the making or the distribution of which results in infringement of copyright and neighboring rights;

**Director or producer of a show**—a person who carries out the staging of the stage, circus, puppet, variety or other similar shows;

**A work**—a specific result of a creative work in the field of science, literature or arts, expressed in some objective form, carried out by the author himself individually or with other authors jointly;

**A copy of a work**—duplicate of a work, made in any material form;

**Substantial part of a work**—any part of a work which on its own can be identified as a part of the work, by any person who is familiar with the work;

**Distribution of copies of a work, phonogram (or videogram)**—making the original or the copies of a work, phonogram (or videogram) available to the public (third persons) by sale, rental or lending for temporary use, or by other transfer of ownership or possession rights concerned, as well as by electronic information systems;

**Reproduction**—making of one or more copies of the whole work, phonogram (or videogram) or part of it in any material form and on any material carrier, including the form

of a sound or visual recording, as well as its recording in the electronic (including digital), optical or other machine-readable form for permanent or temporary storage;

**Reprographic reproduction**—facsimile reproduction in one or more copies, in any dimension (enlarged or reduced) and in any form, of the original or the duplicate of a written or other graphic work by means of photocopying or by other technical means, except those connected with the application of printing type-forms; Reprographic reproduction does not include the storage or reproduction of the mentioned duplicate in electronic (including digital), optical or other machine-readable form.

**Rebroadcasting**—either simultaneous broadcasting of the program or subsequent broadcasting of the already transmitted and fixed program of a broadcasting organization, by another broadcasting organization;

**Rental**—transfer the original or the copy of the work, phonogram (or videogram) for possession and use, for a limited period of time and for direct or indirect profit-making purpose;

**Audiovisual work**—a series of interrelated images (with or without sound accompaniment), susceptible of being made visible and audible too (if accompanied by sound). Works expressed by cinematographic and other similar means (television films, video films, slide films, motion pictures etc.) are considered audiovisual works;

**Public performance of an audiovisual work**—showing of the images of a work in their sequence—(including—with the reproduction of the sounds accompanying it. **Database** compilation of data and other materials (articles, accounts, facts, etc.), systematized in machine-readable or other form, which by the reason of the selection or arrangement of its content, is a result of a creative work.

## **Chapter 2** **Copyright**

### *Works Constituting the Objects of Copyright*

**5.** Copyright extends to works in the scientific, literary and artistic domains that are results of creative activity irrespective of the purpose and merits of the work as well as the mode of its expression.

Objects of copyright are:

— geographic, geologic and other maps, designs (plans), sketches and plastic works related to geography, topography, geology, architecture and other sciences;

— derivative works, particularly:

(a) translations, adaptations of other works (treatments, essays (abstracts), annotations, reviews, summaries (resumes), adapted works, arrangements, stage versions, cinematographic (audiovisual) adaptations and other transformations of works in the scientific, literary and artistic domains) which constitute the individual works in a sense of the paragraph 22 of the Article 4 of this Law;

(b) collections of works (encyclopedias, anthologies, databases) and other compiled or composite works that are, by the reason of the selection or arrangement of their contents, the results of a creative work;

- literary works, including scientific works, all types of computer programs (expressed in any programming language and form (including application programs, operation systems, source code and object code));
- works of painting, sculpture, graphics, design and other works of visual (figurative) arts;
- dramatic and dramatico-musical works, scenarios, storyboards (sequence of sketches and cartoons (sequence of drawings telling a story) to show the elements in television or cinema advertisement), librettos and other works created for staging;
- works of applied decorative and stage graphics (stage design) art;
- design works, fonts;
- photographic works and works, created by analogous modes;
- works of architecture, urban planning, garden and park art;
- works of architectural-artistic solutions (both in whole or and separate parts of them);
- choreographic works and pantomimes;
- other works in compliance with the requirements of this Article;
- parts, extracts of the work, as well as the title, which are individual works;
- musical works with and without text;
- audiovisual works (motion pictures, slide show films, and other cinematographic, television films), and radio works.

The object of copyright shall be expressed in oral, written or in another objective form, enabling it to be perceived.

A work in a written form or otherwise expressed on a material carrier (expressed by manuscript, typescript, musical score, fixation with the use of technical means (including audio or video recording), fixation of an image in two or three dimensional form, etc.) shall be considered having an objective form, regardless of its accessibility for third persons.

An oral or other work not expressed on a material carrier shall be considered having an objective form if it has become accessible for perception by third persons (public recitation, public performance, etc.).

Copyright shall extend to the published works—(**issued to the public**, materialized) as well as to unpublished works.

#### *Works which are not Considered as an Object of Copyright*

##### **6.** The following are an object of Copyright:

- works of folklore;
- communications on daily news or on current events that are press information;
- official documents (laws, decisions, decrees, etc.) as well as their official translations;
- state emblems and signs (flags, coats of arm (armorial bearings), medals (decorations), monetary signs, etc.);

— results obtained by technical means without the intervention of human creative activity.

Copyright shall not extend to ideas, principles, methods, ceremonies (rituals), procedures, views (viewpoints), systems, proposed solutions, and discoveries of objectively existing phenomena.

#### *Effectiveness of Copyright on the Territory of the Republic of Armenia*

7. The copyright to a work shall be effective on the territory of the Republic of Armenia either if it first issued (disclosed) to the public on that territory or not issued to the public but the original of which is on that territory in some objective form. In this case, copyright of the author and his heirs as well as his other successors in title, is recognized irrespective of their citizenship (nationality).

A work shall also be considered first issued on the territory of the Republic of Armenia if it is issued there within 30 days after having been first issued on the territory of another country.

Copyright of the citizens (nationals) of the Republic of Armenia or persons permanently residing on its territory, as well as of their heirs and other successors in title, whose works were first issued or are on the territory of a foreign state in some objective form, shall also be recognized.

The following shall also be effective on the territory of the Republic of Armenia:

(a) copyright in such an audiovisual work the headquarter or residence of the maker or producer of which are on the territory of the Republic of Armenia;

(b) copyright in an architectural work erected on the territory of the Republic of Armenia or in another artistic work incorporated in a construction or a building located on that territory.

According to international agreements signed by the Republic of Armenia copyright of citizens (nationals) of other countries, as well as their heirs and other successors in title, the works of whom were first issued, or in some objective form are,—on the territory of a foreign country, shall also be recognized. In this case, the fact of disclosure of the work on the territory of a foreign country shall be determined in accordance with the provisions of corresponding international agreements.

Where protection is granted to a work on the territory of the Republic of Armenia under international agreements, the issue of possession of copyright in a work shall be determined by the legislation of the state where the action or the fact, serving as a basis for the possession of copyright, occurred.

#### *Origin of Copyright. Presumption of Authorship.*

8. Copyright in a work arises by the fact of creation of a work and does not depend on the official acknowledgement of that right, registration of the work and observance of any other formalities.

The holder of a copyright may, for notification of his rights, use the symbol of protection of copyright that shall be placed on each copy of the work and consists of the following:

— the Latin letter “C” in a circle;

- the name of the holder of copyright;
- the year of first publication of the work.

The person, indicated in the symbol of protection of copyright, shall be considered the rightholder, unless proven otherwise.

The publisher of an anonymous work or a work issued under a pseudonym (with the exception of the cases when the identity of the author having a pseudonym leaves no doubt), whose name or denomination is indicated on the work, in the absence of other proofs, shall be considered to be an author's representative, who has the right to protect the author's rights and to ensure their execution. This provision shall be valid until the author of such a work reveals his identity and declares his authorship.

#### *Interrelation between the Copyright and the Property Right to the Material Carrier*

**9.** The exclusive right in a work exists irrespective of the property right to the material object in which that work is expressed.

The alienation of a work, as a material object, by the author shall not constitute alienation of copyright.

#### *Co-Authorship*

**10.** Copyright in a work created by the joint creative labor of two or more citizens belongs to the authors jointly regardless of the structure of the work.

A separate part of a jointly created work is considered to have independent significance, if it may be used independently from the other parts.

Each of the co-authors shall have the right to use the significantly independent part of the work created by him at his discretion unless otherwise provided by their agreement.

The right to use the work wholly belongs to co-authors jointly. Relations between the co-authors are determined on the basis of an agreement between them. In case of the absence of such an agreement, the copyright in a work shall belong to all the authors jointly, and the remuneration to be received shall be distributed among them equally.

Copyright in a work, created by co-authorship, is recognized even if one of the co-authors, according to this Law, enjoys a copyright.

None of the co-authors of the work created by co-authorship and constituting an indivisible whole shall have the right to prohibit the use of the work without valid reasons.

#### *The personal Non-Property (Moral) Rights of the Author*

**11.** The following personal non-property rights shall belong to the author:

- (a) the right to be recognized as the author of the work (the right of authorship);
- (b) the right of using the work by his name, pseudonym, or anonymously, or the right of allowing its use (the right of the author's name);
- (c) the right of integrity of the work (to prohibit making changes and additions in the work, possible distortions, mutilations or other trespasses to the work);



Regardless of the property (economic) rights of the author and assignment of the exclusive rights to use the work, the private non-property (moral) rights shall belong exclusively to the author.

*The Property (Economic) Rights of the Author or Another Holder of Copyright*

**12.** The author or another right holder shall have an exclusive right to use the work in any form, including in the form of a derivative work, and in any mode.

The author or another right holder has an exclusive right to permit or prohibit the use of his work. The use of the work is its reproduction, distribution, including its import and export and its realization in any other mode, which include in particular:

- (a) public display (showing, exhibition) of the work;
- (b) rental of a copy constituting a material carrier of the work;
- (c) public performance of the work;
- (d) broadcasting over the air (by radio or television), including cable or satellite communications;
- (e) technical audio and (or) video recording of the work;
- (f) public communication of the work, or of its technical audio and (or) video recording;
- (g) reproduction of the copies of a technical audio and (or) video recording of the work and of the fine arts works;
- (h) translation, adaptations, rearrangement, or transformation of the work in any other mode for its later use;
- (i) practical realization of the urban planning, architectural, or design plan (project).

The holder of copyright has the right to prohibit the import or export of the copies of the work produced without his permission.

If the original or the copies of the work have been alienated according to the procedure established by the Law, their further distribution shall be allowed without the consent of the author and without the payment of remuneration with the exception of cases specified by this Law.

The exclusive rights of the copyright holder shall not extend to the case of distribution of the original or the copies of the work expressed in the form of a construction or of the applied decorative art work by rental or by the way of transferring for a limited period of time (lending).

The right for distributing the original or the copies of the work by rental or by the way of transferring for a limited period of time (lending) belongs to the copyright holder, independently of the ownership in those copies. The mentioned right shall not apply to the computer programs, which themselves are not the essential object of the rental or are incorporated in a machine or product, in the course of the normal use of which they can not be reproduced or copied.

The author shall have the right to renounce a previously taken decision on publication of a work (the right of withdrawal), on condition to indemnify the persons entitled to use the work for damages (including lost earnings), caused by such a decision. If the work has already been published, the author shall be required to make public notice of its withdrawal.

In this case, he has the right to withdraw from circulation, at his expense, previously made copies of the work.

This provision shall also be extended to employment (service-related) works unless otherwise provided by the author's contract.

The exclusive right of the authors in the works of architecture, urban planning, garden and park art is the participation in their practical realization, unless otherwise provided by the contract.

The right holder of the copyright is entitled to demand remuneration for using his work, with the exception of the cases provided in Articles 13-18 of this Law, if they do not conflict with a normal exploitation of the work and do not prejudice the legitimate interests of the right holder of the copyright in a work.

The procedure and terms of estimation and payment of the author's remuneration are defined by:

(a) the author's contract;

(b) the contracts signed between the organizations ensuring the economic rights of the author on a collective basis and the users. The Government of the Republic of Armenia shall define the minimal amounts of the author's remuneration.

#### *Free Use of the Work*

**13.** The following shall be permitted without the consent of the author or another holder of copyright and without paying the author's remuneration but with the obligatory mention of the author's name and the source of the borrowing:

- the quotation, in original language or in translation, of the extract of the lawfully disclosed work for the 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 summaries, to the extent justified by the purpose of quotations;

- the use of lawfully disclosed works of literature and art and extracts thereof by way of illustration, in the publications, programs of broadcasting organizations, audio and video recordings of educational nature, to the extent justified by the purpose of illustration of education;

- the reproduction by the press and the broadcasting of lawfully published in the press articles on current political, economic, social and religious issues or of broadcasted works of the same nature, if such way of using hadn't been prohibited by the author beforehand;

- the reproduction of delivered in public political speeches, lectures, announcements and other similar works, by the press and the broadcasting, to the extent justified by the purpose of information;

- 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, to the extent justified by the purpose of information;

- the use of the work for the purposes of court and administrative proceedings, to the extent justified by the purpose. In these cases, the mention of the author's name and the source of the borrowing is not necessary;

- the public performance of the lawfully disclosed musical works

(a) during official, religious as well as ritual ceremonies, to the extent justified by the nature of the ceremony,

(b) 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 (parents, guardians, tutors). In these cases, the mention of the author's name and the source of the borrowing is not necessary.

- the reproduction in "raised dots" prints (in Braille), or by other special ways, foreseen for the blind, of a lawfully disclosed work, done without profit-making, with the exception of the works, created especially for such ways of reproduction.

#### *Use of the Work for Personal Purposes*

**14.** The reproduction of a work disclosed according to the procedure established by the Law shall be permitted without the consent of the author or another copyright holder and without remuneration to them, exclusively for satisfaction of personal needs and needs of family members.

This provision shall not apply to the reproduction of architectural works, which are in the form of a construction or a similar structure, of machine-readable database or its substantial parts, to the reproduction of computer programs, as well as to the reprographic reproduction of books and musical scores. The rights of a person lawfully disposing the computer program or the database in respect of reproduction or converting of computer program or machine-readable database for personal use are defined by the Article 18 of this Law.

#### *Use of the Work by Reprographic Reproduction*

**15.** It shall be permitted without the consent of the author or another copyright holder and without paying the author's remuneration but with the obligatory mention of the author's name and the source of the borrowing, and without profit-making:

(a) the reprographic reproduction (in one copy) of a lawfully published work by the libraries and archives for the purpose of restoring or substituting the lost or damaged copies, as well as, in case of the loss of a copy of the work at the other libraries, for placing the copy at their disposal if in ordinary conditions the obtaining of such a copy in other way is impossible;

(b) the reprographic reproduction (in one copy) of isolated articles, succinct works lawfully published in collections, newspapers and other periodical publications, and of short extracts from lawfully published written works, except of computer programs, by the libraries and archives (on the demand of the natural person) for the study and research purposes, as well as by the educational institutions for the classroom studies.

#### *Free Use of the Work Located in Open for Attendance (Public) Places*

**16.** Without the consent of the author and another copyright holder and without paying the author's remuneration it is permitted to reproduce, broadcast works of architecture, photography or figurative arts which are located in public places, with the exception of the cases when the image of the work is the main object of such reproduction or broadcasting, and when the image of the work is used for commercial purposes.

*Free Use of Ephemeral Audio and Video Recordings  
by Broadcasting Organization*

**17.** A broadcasting organization is entitled to make, ephemeral audio (video) recordings of the work, in respect of which it has obtained the broadcasting right, without the consent of the author and another copyright holder and without additional remuneration, if the audio (video) recording is made by that organization through its own technical equipment and for its own programs.

The organization shall be required to destroy the audio (video) recording within 6 months after it has been created, unless the further use of that audio (video) recording has been agreed with the author of the work.

That audio and video recording may be preserved in official archives without the consent of the author of the work, if it is of an exclusively documentary nature.

*Free Reproduction of Computer Programs and Machine-Readable Databases.  
Decompilation of Computer Programs*

**18.** The person lawfully in possession of a copy of a computer program or machine-readable database (the person having a right to use, hereinafter, the user), without the consent of the author or another copyright holder, and without paying an additional remuneration, shall be entitled to reproduce or to alter it in a single copy, if such a copy or alteration is necessary:

(a) for the use of the computer program or the machine-readable database in conjunction with the technical means of the lawful user, exclusively for the purpose and to the extent for which the program or the database has been intended, including for correction of the obvious errors present therein;

(b) for the replacement of the lawfully acquired copy of a computer program or machine-readable database, in case of the latter having been lost, destroyed or rendered useless.

The lawful user of the computer program shall be entitled, without the consent of the author or another copyright holder, and without paying an additional remuneration, to observe, study or test the functioning of the program in order to determine the ideas and principles which underlie any element of the program if he does so while performing any of the acts of loading, displaying, running, transmitting or storing in a memory the program which he is entitled to do. The lawful user of the computer program shall be entitled, without the consent of the author or another copyright holder, and without paying additional remuneration, to reproduce and convert the object code of the program to the source code (to decompile the computer program) or commission other persons to perform those acts, if they are indispensable to obtain the information necessary to achieve interoperability of an independently created computer program with other programs, if the following conditions are met:

(a) the information necessary to achieve interoperability has not previously been readily available from the other sources to the lawful user or the persons acting on his instructions;

(b) these acts are confined to the parts of the program under the decompilation, which are necessary to achieve interoperability. The information obtained as a result of the mentioned decompilation may be used only for the purposes to achieve interoperability of an independently created computer program and shall not be:

— transferred to other persons, with the exception of the cases, when it is necessary for the interoperability of an independently created computer program, or

— used for the development, production or marketing of a computer program similar in its expression to the program under the decompilation or for performing any other act infringing the copyright.

### *Copyright in an Employment Work*

**19.** The copyright in a work created on an employment assignment shall belong to the author of the work.

The right to use an employment work by the way stipulated by the assignment purpose and within the limits deriving from it shall belong to the person on the assignment of whom the work was created and with whom the author is in working relations (the employer), unless otherwise provided in the contract concluded between the author and the employer.

The employer or the person issuing the work shall be entitled either to mention his or her name, or to demand such a mention in the event of any use of an employment work.

The contract concluded between the author and the employer may provide the remuneration for the author for the use of an employment work and contain other terms for its use.

Upon expiration of 10 years from the moment of the presentation of the work by the author, and upon employer's consent—even earlier, the right to use the work and to receive the author's remuneration shall be passed to the author in full, regardless of the concluded contract.

The right of the author to use the employment work by the way that is not stipulated by the assignment purpose shall not be limited.

The provisions of this article shall not apply to encyclopedias, encyclopedic dictionaries, collections of periodical and continuing scientific works, newspapers, magazines and other periodical publications created by the employment assignments or duties.

### *Copyright in an Audiovisual Work*

**20.** The following shall be the authors of an integrated audiovisual work:

the scriptwriter, the director, the author of a musical work, specially created for the given audiovisual work (with or without words), the cameraman (or camera director), as well as other persons, who have participated—on contractual bases in the creation of the integrated audiovisual work and have brought a specific result of a creative work—into the creation of the work.

The person organizing the creation of an audiovisual work is not considered the author of the given work if he does not belong to the list of the persons stated in the first paragraph of this Article. Each of the authors of works, which are included as component parts in the audiovisual work, both previously existing (a novel serving as a basis for the scenario, etc), and created during working on it (by the camera director, artistic director, and other persons) shall enjoy the copyright in his work and may use it independently, regardless of the integrated audiovisual work, unless otherwise stipulated in the agreement, concluded with the person, organizing the creation of an audiovisual work.

By concluding the contract on creating the audiovisual work, its authors transfer the exclusive right of using the work, as well as the exclusive right of subtitling and doubling of

the work, to the organizer of the creation of the work, unless otherwise stipulated by the contract.

In case of the public performance of an audiovisual work, the authors of the work shall retain their rights to receive an author's remuneration for each public performance of the given work or for the rental of the copies of the work. The body securing economic rights carries out the collection, distribution and payment of the remuneration.

The person organizing the creation of an audiovisual work has the right to mention his or her name or demand such a mention whenever the work is used.

Without the consent of the authors and other holders of economic right, it shall be prohibited to destroy the sole version (original or negative) of the audiovisual work.

### *The Right of the Author of Work of Art*

**21.** The author of the work of art has the right to demand from the owner of the original or the copy of the work to provide him an opportunity to reproduce his work, if the owner's interests are not infringed by doing this. However, the owner of the work is not obliged to deliver the work to the place of location of the author. By providing such an opportunity, the owner may require the author to provide him security or other equivalent assurance in amount of the market value of the original or the copy of the work. The author shall bear the expenses for enjoying the mentioned rights, as well as be liable for any damage to the original or the copy of the work.

The transfer by the author of the ownership rights of the work of art to another person (compensated or not compensated) is considered the first alienation of the ownership right to the work.

During the term of validity of copyright, the author of the work of art (painter, sculptor, writer, composer, etc) or after his death his or her lawful successor in title shall enjoy the inalienable right to obtain from the seller five percent of the price of each subsequent resale by auction, galleries, art salons, stores etc., of an original of the first time alienated work of art (including original manuscripts of writers and composers) if the resale price exceeds the previous one at least by 20 percent. The organizations securing the economic rights of the holders of copyright and neighboring rights may carry out the collection, distribution and payment of the amounts due to the author or his/her successor in title.

Only the citizens of a country, which granted similar rights to the citizens of the Republic of Armenia, may enjoy the rights stipulated in the paragraph 3 of this Article.

### *Copyright in Collection Work*

**22.** The copyright in a collection or other compiled or composite work shall belong to an author of the selection or arrangement of its contents, which he has carried out by himself and is constituted the results of his own creative work.

The copyright to use the whole work shall belong to the compiler of a collection work.

The copyright of the compiler of a collection work must not damage the rights of the authors of the works included in a work.

The authors of the works included in a collection work shall be entitled to use their works independently, unless otherwise stipulated by a contract.

A work included in a collection work may be as well used by other persons in another collection work.

### *Copyright in a Derivative Work*

**23.** The adapters of other works, translators, creators of collections and other compiled works are the authors of a derivative work.

The author of a derivative work shall enjoy the copyright to use the result of his work regardless of the fact that a work, on which the derivative work is based or which it includes is the subject matter of copyright.

The copyright in a derivative work shall not prejudice the rights of the author of a translation, adaptation, rearrangement or otherwise transformed work.

The other persons may also translate and transform the same work.

### *Copyright in an Interview*

**24.** The copyright in an audio and video recordings of an interview belongs both to the interviewee and to the person who conducts and records the interview, as to co-authors, if no other agreement exists between them.

The publication of an audio or video recording shall be permitted only with the consent of the interviewee.

### *Copyright in a Collective Work*

**25.** Persons publishing encyclopedias, dictionaries, periodical and continuing collections of scientific works, newspapers, magazines and other periodicals, shall have an exclusive right to use the collective work as a whole. Those persons are entitled to mention their names (appellation of the periodical) or demand such a mention whenever the collective work is used.

The authors of the works, included in a collective work, shall retain their exclusive rights to use and dispose their works independently, unless otherwise stipulated in the contract.

The person, organizing the creation of a collective work, is not considered to be the author of the work.

### *Inheritance of the Copyright and its Term of Validity*

**26.** The economic rights of the author shall be transferred by inheritance. The author's economic rights shall run for the whole life of the author and for 50 years after his death, calculated from January 1 of the year, following the year of the author's death.

The copyright in a work created by co-authorship shall run for the life of the co-authors and for 50 years calculated from January 1 of the year, following the year of death of the last surviving author.

The copyright in a work, initially published anonymously or under a pseudonym, shall run for 50 years, calculated from January 1 of the year, following the year of the first publication of the work. If, during the mentioned period, the identity of the author of the work published anonymously or under a pseudonym is revealed, the terms mentioned in the second paragraph of this Article shall apply.

During the terms referred to in the first, second, third paragraphs of this Article, the copyright in a work shall belong to the author's heirs and shall be transferred by inheritance. During those same terms the copyright shall belong to those successors in title, who have

received that right by the contract concluded with the author, his heirs and the subsequent successors in title.

The term of validity of the economic rights in case of the collective and audiovisual works shall be calculated according to the procedure referred in the third paragraph of this Article, with the exception of the cases when the persons who have created the work as such are identified as such in the disclosed version of the work. Anyhow, this provision does not prevent the identified authors, whose identifiable contributions are included in the above mentioned works, to carry out their rights towards the mentioned contributions, in accordance with the provisions referred in first, second, third, and fourth paragraphs of this Article.

If the work is published in parts, which are not independent or self-contained (in volumes, installments, issues, series, episodes, etc), the term of validity of the economic right shall be calculated for each separate part from the time of its publication.

The copyright in a work first published within 50 years after the author's death shall run for 50 years calculated from January 1 of the year, following the year of the first publication of the work.

The author's personal non-property (moral) rights shall be protected for an unlimited time. After the author's death the protection of the integrity of the work shall be carried out by his heirs, unless otherwise stipulated by the will, as well as by other persons as stipulated by the law.

Upon expiration of the term of protection of economic rights of the author, the work shall fall into the public domain. Every person can freely use the works of public property without payment of author's remuneration. However, the right of authorship, right of name and integrity right shall be maintained.

#### *Transfer of Economic Rights by the Author's Contracts*

**27.** The author's contract regulates the relations between the author or another copyright holder and the user, and constitutes a legal guarantee for the parties.

An author's contract may be concluded both for the existing work and the work that the author undertakes to create (commission contract).

The contract concluded by the author or his successors in title on permission to use the work within certain limits (an author's license contract) should also constitute an author's contract.

Transfer of economic rights and the permission to use the work shall be laid down by the author's contract (exclusive or non-exclusive).

Under an exclusive contract, the transfer of exclusive rights and use of the work in a certain way and under the procedure established by the contract shall be permitted only to the person, to whom these rights are transferred. The latter may prohibit the use of the work by other persons. The right of prohibiting the use of the work by other persons may be exercised by the author, if the person, to whom the exclusive rights have been transferred, does not exercise that one.

A non-exclusive contract, by preserving the right of exclusive right holder of using the work and permitting others to use it, permits the user to make use of the work only within the limits established by the contract.

The permission of a copyright holder is obligatory for each mode of using the work.



If the non-exclusive contract does not stipulate otherwise, it shall remain effective in case the transferring the exclusive rights to another person after concluding the contract.

The rights transferred by the author's contract shall be considered non-exclusive, unless otherwise stipulated by the contract.

A contract obligating the author to grant the exclusive right of using the work, which shall be created in future by the author, to any person shall be null and void.

Conditions of the contract, limiting the author's rights of creating in future a work of certain type and in certain field, shall be null and void.

The rights of using a work unknown at the time of concluding the contract shall not be the subject matter of an author's contract.

#### *The Conditions and Forms of an Author's Contract*

**28.** In an author's contract shall be, the modes of using the work, the time period of transferring the right to use, the amount of the remuneration or the procedure of defining the amount of the remuneration, the time period and the procedure of its payment, as well as other conditions that the parties may consider to be essential.

In case of absence in the author's contract the condition in respect of the territory if, within the boundaries of which the right of using the work has effect, the validity of the right transferred by the contract shall be limited to the territory of the Republic of Armenia.

All other rights of using the work, not stipulated in the author's contract, shall be reserved in favor of the author.

An author's contract shall be concluded in a written form.

The author's license contract has effect over the time period mentioned in the contract, and shall cease from the time of expiry of the term of copyright validity.

Irrespective of the time period mentioned in the contract, the author of the work or his/her successor in title has a right to unilaterally renounce the contract after ten years from the time of concluding the contract, by notifying the other party in a written form six months prior to it. The author or his successor in title shall acquire such a right once in every ten years.

The contract may stipulate such terms of using the work, the infringement of which shall entail the right of unilateral repudiation of the contract.

Each party of the contract may transfer the rights, transferred under the author's contract, to other persons, either in their entirety or in part, only in case it is directly stipulated by the contract.

#### *The Liability of the Parties in Case of Infringement the Author's Contract*

**29.** The party who failed to discharge the obligations assumed under the author's contract shall be required to compensate the other party for the caused damage, (including the lost earnings).

## **Chapter 3**

### **Neighboring Rights**

#### *Subjects and Objects of Neighboring Rights*

**30.** The subjects of neighboring rights are the performers, producers of first fixations of performances or audiovisual works, broadcasting organizations.

Neighboring rights extend to stagings, performances, phonograms, and videograms, programs of broadcasting organizations broadcasted by air or cable.

The right in a performance belongs to the performers as well as their heirs. The right to use such a performance may pass to other successors in title.

The right in phonograms or videograms belongs to their creators and their successors in title.

The right to broadcasting belongs to the air or cable broadcasting organization that has created the program, or its successors in title.

The producer of first fixations of performances and audiovisual works, the broadcasting organization shall exercise their rights mentioned in this chapter, within the framework (limits) of the rights obtained by the contract with the author and the performer of a fixed (recorded) or broadcasted work.

The permission, given by the director or producer of a show for the use of a performance, shall not remove the necessity to receive permission from other performers participating in the show as well as from the author of the performed work.

#### *The Procedure of Protecting Neighboring Rights*

**31.** The performers, while exercising their rights, shall be required to observe copyright in the work. Producers of first fixations of performances or audiovisual works and broadcasting organizations shall be required to observe the rights of the authors and performers.

Broadcasting organizations shall be required to observe the rights of producers of first fixations of performances or audiovisual works.

An observance of any formality for the arising and exercising of neighboring rights is not required. The producers of first fixations of performances or audiovisual works and performers may, in order to publicize their neighboring rights, place the symbol of protection of neighboring rights on each copy of the fixation carrier and (or) on the jacket containing it. The symbol comprises the Latin letter “P” in a circle, the name, denomination of the holder of neighboring rights and the year of first publication of a phonogram (or videogram).

#### *Conditions of Protection of Neighboring Rights*

**32.** The rights of the performers shall be protected by this law, if:

(a) the performer is a citizen (national) of the Republic of Armenia;

(b) the first performance has occurred on the territory of the Republic of Armenia;

(c) the performance has been fixed in the form of a phonogram (or videogram), and the rights of producers of first fixations of performances or audiovisual works are protected by paragraph 2 of this article;

(d) the performance has not been fixed in the form of a phonogram (or videogram) but is included in the programs of broadcasting organizations and the rights of the latter are protected by paragraph 3 of this article.

The rights of producers of first fixations of performances or audiovisual works shall be protected by this law, if:

(a) the producer of first fixations of a performance or an audiovisual work is a citizen (national) or a legal person of the Republic of Armenia who permanently resides on the territory of the Republic of Armenia or is an organization registered on the territory of the Republic of Armenia;

(b) the phonogram or videogram has been first published on the territory of the Republic of Armenia or is published on that territory within 30 days after having been first published in a different place;

(c) the first fixation of a performance or an audiovisual work was made on the territory of the Republic of Armenia.

The rights of broadcasting organizations shall be protected by this law if that organization is a legal person of the Republic of Armenia, and the programs are broadcasted by transmitters located on the territory of the Republic of Armenia.

The rights of other performers, producers of first fixations of performances or audiovisual works and broadcasting organizations shall be protected on the territory of the Republic of Armenia in accordance with the international agreements of the Republic of Armenia.

#### *The Rights of the Performer*

**33.** The performer has the following exclusive rights in his performance except cases specified/provided/by this law:

(a) the right to demand the mention of his name;

(b) the right to protect the performance from any distortion or from any trespass liable to prejudice the honor and dignity of the performer (personal non-property (moral) rights) and

(c) the right to use the performance in any form, including the right to receive remuneration for each form of use of a performance (property (economic) rights);

The performer's exclusive right to use a performance is the carrying out, permitting or prohibiting the following acts:

(a) to broadcast a performance or to carry out some other public communication of it, if a performance fixation made before is not used for such a communication or the used performance has not been broadcast before;

(b) to fix a performance which was not fixed before;

(c) to reproduce a fixed performance;

(d) to broadcast a fixed performance if the fixation of it was initially made for non-commercial purposes;

(e) to distribute through sale the copies of a performance phonogram or videogram (fixation);

(f) to rent out a phonogram (or videogram) that contains the performance with the participation of the performer and is published for commercial purposes.

The performer also has the right to prohibit the import of copies of performance fixations made without his permission.

If the copies of performance fixations have been alienated by the performer or with his consent, then their further distribution or import shall be permitted without consent of the performer and without payment of remuneration except in cases specified by this law or other laws of the Republic of Armenia.

The right to distribute the copies of fixed performances published for commercial purposes by the way of rental, shall belong to the performer regardless of the ownership in these copies of fixed performances.

The right, specified in item “c” of paragraph 2 of this article, shall not apply if:

- (a) the initial fixation of the performance was made with the consent of the performer;
- (b) the reproduction of the copy of a fixed performance is made for the same purpose for which the performer’s consent was gained when fixing the performance;
- (c) the reproduction of the copy of a fixed performance is made for the same purpose for which fixation was made according to the Article 36 of this law.

Permissions, specified by paragraph 2 of this article, shall be granted by the performer or, in case of a group of performers, by their appointed representative or the head of the group through concluding a written contract with the user.

Permissions, specified in items “a”, “b” and “c” of paragraph 2 of this Article, shall not be required for further transmission of a performance by a broadcasting organization, for making a fixation for transmission purposes and for reproduction of such a fixation if these permissions are stipulated by the contract between the performer and the broadcasting organization. The amount of remuneration to the performer for such a use shall also be determined by a contract.

The conclusion of a contract for the purpose of creating an audiovisual work, between the performer and the creator of an audiovisual work results in transferring by the performer the rights specified in paragraph 2 of this Article, unless otherwise stipulated by the contract. However, the performer preserves his right to receive remuneration for the rental of the copies of such an audiovisual work.

The transferring of such rights by the performer shall be limited to the use of the audiovisual work only, and unless otherwise stipulated by the contract, transferring of such rights shall not include the right to separate use of the sounds or the images fixed in an audiovisual work.

If the performer, while first fixing his performance, permits the producer of first fixations of performances or audiovisual works further reproduction of the performance, the latter shall obtain the disposition right to the copy of the performance, including the right to the rental of it, unless otherwise stipulated by the contract. However, the performer preserves his right to receive remuneration for the rental of the copies of such a fixation.

The exclusive rights of the performer shall be transferred to other persons by inheritance or by a contract. The contract shall include the way and time period of using the performance, the amount of remuneration and the procedure of payment, the term of validity of the contract, etc.

Personal non-property (moral) rights in the performances, carried out by the performer in execution of his service duties or assignments of an employer, shall belong to the performer. The exclusive right to use such a performance shall belong to a person who is in employment relations with the performer, unless otherwise stipulated in the contract concluded between them.

#### *The Rights of Producers of First Fixations of Performances or Audiovisual Works*

**34.** Except cases provided by this law, the producer of first fixations of performances or audiovisual works enjoys the exclusive right to use in any form an audio recording (phonogram) or a video recording (fixation) made by him, including the right to receive remuneration for each form of using a fixation (property (economic) rights).

The exclusive right, of the producer of first fixations of performances and audiovisual works to use a fixation, is to carry out, to permit or to prohibit the following acts:

- (a) to reproduce a fixation directly or indirectly;
- (b) to transform or to adapt in some other way a fixation;
- (c) to distribute copies of fixation, particularly through sale or rental.

The producer of first fixations of performances or audiovisual works has also the right to prohibit the import of fixation copies made without his permission.

If the copies of fixations have been alienated by the producer of first fixations of performances or audiovisual works or by his consent, the further distribution and import of those shall be permitted without the consent of the producer of first fixations of performances or audiovisual works and without paying remuneration, except in cases stipulated by this law or other laws of the Republic of Armenia.

The right to distribute the copies of fixations published for commercial purposes by the way of rental shall belong to the producer of first fixations of performances or audiovisual works regardless of ownership in these copies of fixations. The exclusive rights of the producer of first fixations of performances or audiovisual works can be transferred to other persons by a contract. The contract includes the ways and place of using a phonogram or videogram, the amount of remuneration and procedure of payment, time periods of validity of the contract and of using a phonogram.

#### *The Rights of a Broadcasting Organization*

**35.** Except cases stipulated by this law, the broadcasting organization enjoys the exclusive right to use its program in any form, including the right to receive remuneration for each form of use of a program (economic rights).

The exclusive right of a broadcasting organization to use the program is to permit or prohibit the following acts:

- (a) to fix the performance;
- (b) to reproduce a fixed performance, except when the fixation of a program has been made by the consent of the broadcasting organization and the reproduction is carried out with the same purpose for which the fixation was made according to article 36 of this law;
- (c) to distribute copies of a fixed program, particularly by the way of sale or rental;
- (d) to rebroadcast a program;

(e) to carry out a public communication of a program in places with paid entrance.

The broadcasting organization also has the right to prohibit the import of copies of a fixed program made without its permission.

If the copies of a fixed program have been alienated by the broadcasting organization or by his consent, the further distribution and import of those shall be permitted without the consent of the broadcasting organization and without paying remuneration, except in cases stipulated by this law or other laws of the Republic of Armenia.

The right to distribute the copies of program fixations published for commercial purposes by the way of rental, shall belong to the broadcasting organization regardless of ownership in these copies of fixations.

*Limitation of Rights of the Performer, Producer of First Fixations of Performances or Audiovisual Works and the Broadcasting Organization*

**36.** The use of a performance, a phonogram or a videogram, and a program of a broadcasting organization shall be permitted without remuneration and consent of the performer, the producer of first fixations of performances or audiovisual works and the broadcasting organization in cases stipulated by the Articles 13, 14, and 17 of this law after making corresponding alterations (*mutatis mutandis*), applying their provisions to a performance, a phonogram (or videogram) and a program of a broadcasting organization, provided that such use shall not conflict with the normal exploitation of a performance, a phonogram (or videogram) and a program of a broadcasting organization, as well as of the works of science, literature and art included in them, and shall not prejudice the legitimate interests of rightholders of copyright in the mentioned works and of neighboring rights.

*The Use of a Phonogram or a Videogram Published for Commercial Purposes*

**37.** Without the consent of the producer of first fixation of performances or audiovisual works and the performer of a performance fixed on the given phonogram (or videogram), but subject to payment of remuneration, public performance and public communication (by wire or wireless means) of a phonogram (or a videogram) published for commercial purposes shall be permitted to promote the distribution of fixations and to give the consumer an opportunity of choice.

In case of absence of an agreement in respect of remuneration, the due amount shall be distributed equally between the producer of first fixation of performances or audiovisual works and the performer.

*Term of Validity of Neighboring Rights*

**38.** The rights of a performer shall be effective within 50 years from the time of first performance (presentation) or first audio or video recording. But if during that period the fixation of a performance is lawfully published, or lawful public communication of that fixation takes place, then the term of protection of said rights shall expire 50 years from the first such publication or first such public communication, whichever is the earlier.

The right of the producer of first fixations of performances or audiovisual works shall be effective within 50 years after performing the first fixation of a phonogram (or a videogram). But if during that period the phonogram (or videogram) is lawfully published or lawful public communication of that phonogram (or videogram) takes place, then the term of protection of said rights shall expire 50 years from the first such publication or first such public communication, whichever is the earlier.

The right of an organization of the transmission over the air or by cable to broadcast shall be effective for 50 years from the time of its first broadcasting.

The calculation of terms defined by this Article shall start on January 1 of the year following the legal facts noted in the paragraphs 1, 2, and 3 of this Article.

The rights stipulated by this chapter shall, under the established procedure, be passed to the successors in title of the performer, the producer of first fixations of performances or audiovisual works and the broadcasting organization within the limits of the remaining part of terms noted in paragraphs 1, 2, and 3 of this Article.

#### **Chapter 4** **Ensuring of Copyright and Neighboring Rights**

##### *Establishment of Organizations Ensuring the Economic Rights of the Author on a Membership (Collective) Basis*

**39.** The state authorized body performs the observation and protection of copyright and (or) neighboring rights.

The rightholders of copyright or neighboring rights can establish non-commercial organizations for the purpose of observing and protecting their rights.

The rightholders of copyright or neighboring rights can transfer the observation and protection of their rights to other persons on the basis of a contract.

##### *The Organization Administering Observation and Protection of Copyright and Neighboring Rights*

**40.** Organizations carrying out observation and protection of copyright and neighboring rights shall be established on voluntary and membership (collective) basis.

To carry out the tasks faced them they can enter into agreements with similar organizations operating in the foreign states.

The organizations noted in paragraph 1 of this article, within their powers could permit the users to use the work or the object of neighboring rights.

The conditions of use for the users of similar works should be the same.

The users of a work or an object of neighboring rights shall be obligated to submit to the organization, by the request of the latter, all the materials concerning the use (including documents containing precise data necessary for the collection and distribution of the amount to be paid).

##### *Functions of Organizations Ensuring Economic Rights on a Membership (Collective) Basis*

**41.** The organizations ensuring economic rights on a membership (collective) basis shall, within powers, given by the rightholders of copyright and neighboring rights, perform the following functions:

(a) enter into license contracts on the use of the object of copyright and neighboring rights, agreeing upon the amount of remuneration and the conditions of use with the parties;

(b) collect, distribute and pay due amount to the rightholders of copyright and neighboring rights;

(c) according to defined procedure carry out deductions from the collected amount of money for covering actual expenses incurred while collecting, distributing and paying;

(d) in case of simultaneous use of the protected and non-protected objects, provided it is impossible not to collect the amount for using the non-protected object, transfer that part of the amount to the corresponding creative funds established by them;

(e) use the amount, unclaimed by the author or another rightholder of copyright, during limitation period of actions established by the civil legislation, for the benefit of the rightholders of copyright and neighboring rights;

(f) perform necessary legal actions to carry out the tasks of this law;

(g) simultaneously with the payment of the due amount for the used objects submit a report to the rightholders of copyright and neighboring rights in respect of the use of objects.

## **Chapter 5** **Protection of Copyright and Neighboring Rights**

### *Infringement of Copyright and Neighbouring Rights*

**42.** Liability shall be provided for the infringement of copyright and neighbouring rights, according to the legislation of the Republic of Armenia.

The copies of a phonogram (or videogram), the manufacture or distribution of which entails infringement of copyright and (or) neighbouring rights, shall be considered to be pirated or counterfeit.

The copy of a work, phonogram (or videogram), protected by this law in the Republic of Armenia, which is imported to the Republic of Armenia, without the consent of the copyright and neighbouring right holders, from countries, where the work, phonogram (or videogram) has never been protected or has ceased to be protected, shall also be considered counterfeit.

### *The Protection of the Copyright and Neighbouring Rights*

**43.** The copyright holder and (or) the holder of neighbouring rights, while protecting his rights, may demand from the infringer:

(a) recognition of his rights;

(b) restoration of the situation, existing prior to the violation of the rights, and cessation of the acts, violating the rights and containing threat of a violation;

(c) the counterfeit copy, its confiscation or destruction;

(d) reimbursement of damages (including the lost earnings), according to the procedure defined by the legislation of the Republic of Armenia;

(e) payment of money compensation instead of the reimbursement of damages or of lost earnings. The amount of the mentioned money compensation shall be defined by the court, depending on the nature and the consequences of the violation;

(f) apply other measures defined by the legislation of the Republic of Armenia concerning the protection of his rights.

The right to choose the measures stated in points “c”, “d,” and “e” of this Article shall belong to the copyright holder and (or) neighbouring right holder.



The copyright holder and (or) neighbouring right holder may seek protection of his rights by applying to the court, according to the procedures defined by the legislation of the Republic of Armenia.

The copyright holder and (or) neighbouring right holder may apply to the court demanding from the infringer information about the third persons participating in the production and distribution of the copies of a work, phonogram (or videogram), as well as about the sources of getting and channels of distribution thereof. The infringer refusing to provide the mentioned information shall bear the liability according to the procedure defined by the legislation of the Republic of Armenia.

The counterfeit copies of the work, phonogram (or videogram) that have been lawfully obtained by third persons, shall not be confiscated.

The counterfeit copies of the work, phonogram (or videogram), as well as the materials and equipment used for their creation and reproduction, which are not demanded by the copyright holder or neighbouring right holder, may be destroyed by the court decision.

#### *The Measures of Ensuring the Claim on Infringement of Copyright and Neighbouring Rights*

**44.** The court may, in accordance with the provisions defined by the Civil Procedure Code of The Republic of Armenia, upon the request of the persons participating in the case or on his own initiative, undertake measures of ensuring the claim, to seize all allegedly counterfeit copies of the works and phonograms, as well as the materials and the equipment intended for their creation and reproduction, to prohibit the performance of certain acts. In case of the infringement of copyright and neighbouring rights, for which criminal liability is provided, the court, with the purposes of ensuring the civil claim submitted or to be submitted in future, shall be entitled to seize all allegedly counterfeit copies, as well as the materials and the equipment intended for their creation and reproduction, and, if necessary, to confiscate and, if not claimed by the plaintiff, destroy them.

### **Chapter 6 Final Provisions**

#### *Rights of Foreign Persons*

**44<sup>1</sup>.** Citizens or residents of other countries shall exercise the same rights and have the same responsibilities, specified in this Law, as citizens and residents of the Republic of Armenia, in accordance with international agreements signed by the Republic of Armenia or with the principle of reciprocity”.

#### *Entry into Force of the Law*

**45.—1.** This Law shall enter into force from the time of its publication.

2. The terms of validity of copyright and neighbouring rights provided in Articles 26 and 38 of this law shall also apply for the time period after the entry into force of this law on the works and objects of neighbouring rights, the validity of which have expired, according to their previous legislation.

<sup>2</sup> The provisions of this Law, including a full term of protection, are applied to objects of copyright and related rights in existence at the moment of the coming into force of this Law whether created, prepared, communicated to the public, performed, disclosed or broadcasted

in a foreign country, provided that under legislation of the country of origin the full term of their protection provided for has not expired (irrespective of past formalities), and the said country is a party to any copyright and related rights international treaty to which the Republic of Armenia is a party, provided that such protection is granted to the object of copyright and related rights in existence whether created, prepared, communicated to the public, performed, disclosed or broadcasted in the Republic of Armenia, by an international treaty or the legislation of the given country.

3. The Law of the Republic of Armenia “On Copyright and Neighbouring Rights” of 27 May 1996 shall be deemed as ceased to be in force.

*The President of the Republic of Armenia*

12 January 2000.

AL—28

---