

## **Law on Copyright and Related Rights**

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### **Chapter 1: General Provisions**

#### **Article 1. The Subject of Regulation of the Law**

This Law regulates:

- a) the relations connected with the rights of authors with respect to their works in the domains of science, literature, art (copyright);
- b) the rights of performers to their performances, the rights of producers of phonograms in respect to their phonograms, the rights of film producers in respect to their fixed films, the rights of broadcasting organizations to their programs, the rights of publishers to the typographical arrangements of their editions, the rights of makers of database to the database made by them (related rights);
- c) collective administration of economic rights.

#### **Article 2. Copyright and Related Rights Legislation**

- (1) The copyright and related rights legislation consists of the Constitution of the Republic of Armenia, the Civil Code of the Republic of Armenia, this Law, other laws and legal acts, the international agreements of the Republic of Armenia.
- (2) If the ratified international agreements of the Republic of Armenia state norms other than those stated by this Law the norms of international agreements shall apply.

### **Chapter 2: Copyright**

#### **Article 3. Subject Matters of Copyright**

- (1) Subject matters of copyright shall be the unique outcome of a creative activity in the domain of science, literature and art (hereinafter referred to as “works”) created individually or jointly, which are expressed in spoken, written or any other objectively perceivable manner, including permanently or temporarily storage in electronic form, regardless of the scope, significance, merits and purpose of creation.
- (2) A spoken work not expressed in a tangible form is considered objectively perceivable if it is made available to the public by public recitation, public performance or in other mode.
- (3) Copyright covers works both made public and not made public.
- (4) Subject matters of copyright are:

- a) literary, scientific works, as well as computer programs;
- b) works of painting, sculpture, graphics, design and other works of fine arts;
- c) dramatic and dramatico-musical works, scenarios, scenario sketches, librettos, and other works created for staging;
- d) choreographic and pantomimic works;
- e) musical works with or without words;
- f) audiovisual works ( cinematographic, television films, animation films and cartoon films, musical clips, advertisement, documentary and fact-documentary, and other films );
- g) works of applied decorative art and stage graphics;
- h) photographic works and works created by analogous modes, which comply with the provisions of paragraph (1) of this Article;
- i) works of urban planning, architecture, landscaping and their solutions both in whole and separate parts thereof;
- j) maps, plans, sketches and plastic works related to geography, topography, geology, urban planning, architecture and other sciences;
- k) derivative works, particularly:
  - i translations, adaptations of works, changes, arrangements and rearrangements, , stage versions, audiovisual adaptations and other transformations of works in the scientific, literary and art domain, which are in compliance with paragraph (1) of this Article;
  - ii collections of works (encyclopedias, anthologies), databases and other composite works, which are, by the reason of the selection and (or) arrangement of their contents, results of a creative work;
- l) parts (titles, personages, etc.) of a work, which are in compliance with paragraph (1) of this Article and can be used separately;
- m) fonts
- n) other works in compliance with paragraph (1) of this Article.

#### Article 4. **Non-Protected Works**

(1) Copyright protection shall not be afforded to:

- a) expressions of traditional folklore and art;
- b) daily news or information on current facts and events;
- c) official documents: legal acts, treaties and the official translations thereof;
- d) state emblems and signs (flags, coats of arms, medals, monetary signs);
- e) political speeches, speeches delivered in the court;
- f) results obtained by technical means without the intervention of human creative activity.

(2) Copyright shall not cover scientific discoveries, ideas, principles, methods, procedures, viewpoints, systems, ceremonies, scientific theories, mathematical formulas, statistical diagrams, rules of games, even if they are expressed, described, disclosed, commented in works.

## **Article 5. Making Public and Publication of a Work**

(1) A work shall be considered to be made public by its first authorized public recitation, public performance, public display, publication, and broadcasting or by other means of making available to the public.

(2) A work shall be considered to be published if copies of a work, produced with the consent of the author in any mode, included by electronic systems, have been put in circulation in sufficient quantity.

The performance of a dramatic, dramatico-musical, audiovisual or musical work, the public 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.

## **Article 6. The Author**

An author is a natural person who creates the work.

## **Article 7. Co-authorship**

(1) Copyright in a work created by the creative activity of two or more persons belongs to the co-authors jointly regardless the structure of the work.

A separate part of a jointly created work is considered to have independent significance, if it can be used independently.

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

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

(2) The right to use the work as a whole belongs to co-authors jointly. Relations between the coauthors shall be regulated by a contract between them.

In case of the absence of such a contract, the copyright in the work shall belong to all the authors jointly, and the remuneration to be received shall be distributed among them equally. None of the co-authors of the work created by co-authorship and constituting an inseparable whole shall have the right to unreasonably prohibit the other co-authors the use of the work.

## **Article 8. Presumption of Authorship**

(1) A person whose name appears on the work or whose name is mentioned at the moment of making the work public, or in whose name the work is deposited in the relevant organization of collective administration of economic rights or the notary or other organizations having the appropriate authorization by law shall be deemed to be the author, unless proved otherwise. This provision also applies in case the name is a pseudonym and the personality of the author acting under pseudonym causes no doubt.

(2) In the case of publication the work anonymously or by pseudonym the publisher whose name or denomination appears on the work shall, until otherwise proved, be deemed to be the representative of the author and shall be entitled to protect the author's rights and ensure their execution.

This provision shall be valid until the author of such a work reveals his identity and declares his authorship.

#### **Article 9. Origin of Copyright and Notification about It**

Copyright in a work emanates by the fact of creation of a work. The work shall be considered created if it is expressed in an objectively perceivable form and does not depend on the official acknowledgement of that right, registration of the work and observance of any other formalities.

The holder of the exclusive economic rights (the author or another person who possesses these rights in the order provided by this law) may for notification of copyright, use the symbol of protection of copyright that shall be placed on the original or on each copy of the work and consists of the following:

- a) the Latin letter "C" in a circle;
- b) the name or denomination of the holder of the exclusive economic rights;
- c) the year of the first publication of the work.

#### **Article 10. Relation Between the Copyright and the Property Right to the Medium**

(1) The copyright in a work shall exist irrespective of the property right to the material object in which that work is expressed.

(2) The alienation, by the author, of a material object in which the work is embodied, shall not presume alienation of copyright.

#### **Article 11. Content of Copyright**

Copyright is the exclusive moral non-economic and exclusive economic rights of the author to his work.

#### **Article 12. Moral Non-Economic Rights of the Author**

(1) Moral non-economic rights of the author shall provide his intellectual and personal ties to the work.

(2) The author shall enjoy the following moral non-economic rights to his work:

- a) the right to be recognized as the author of the work (the right of authorship);
  - b) the right to use the work by his name, pseudonym or anonymously or the right to authorize of such use (the right of the author's name);
  - c) the right of prohibiting probable distortions, modifications or other trespasses to the work which may prejudice to his honor or reputation (the right of honor and reputation of the author);
  - d) the right to make the work public in any mode for the first time or to assign that right to a third person (the right of making public);
  - e) the right to withdraw the former decision to make the work public (right to withdrawal) if the work being made public does not comply with his principles and that event will have a negative effect on his authority provided that he adequately reimburses the damage (included the missed advantage) caused to the lawful users. If the work has already been published the author shall publicly notify about its revocation. Furthermore the author has the right to withdraw from circulation, previous copies of the work, covering the necessary expenses.
- The provisions of this paragraph shall not apply to computer works, audiovisual works, databases as well as employment works, unless otherwise provided by the contract between

the author and the employer.

(3) The moral rights of the author are inalienable and nontransferable and are not subject to exhaustion with the exception of the right to withdrawal, which runs for the life of the author.

### **Article 13. Economic Rights of the Author**

(1) Economic rights provide the economic interests of the author giving the author an exclusive right to authorize or to prohibit the use of his work or copies thereof.

The author has an exclusive right to use his work in any mode and form, as well as to authorize or prohibit third persons to use his work, particularly;

- a) reproduction of a work (right of reproduction);
- b) distribution of a work (right of distribution);
- c) rental of the original or copies of a work (rental right);
- d) lending of the original or copies of a work (lending right);
- e) translation of a work (right of translation);
- f) arrangement, rearrangement, illustration, adaptation and other transformations of a work (right of transformation);
- g) communication of a work to the public (right of communication to the public);
- h) public performance of a work (right of public performance);
- i) public display of a work (right of public display);
- j) broadcasting of a work (right of broadcasting);
- k) simultaneous broadcasting or further re-broadcasting of a work (right of re-broadcasting);
- l) transmission of a work by cable or similar means (right of cable transmission);
- m) use of a work in other forms and modes which do not contradict with the legislation of the Republic of Armenia.

(2) The author has the right to prohibit the importation of copies of a work produced without his consent.

(3) The author has a right to remuneration for each type of use of his work, except in cases provided for by Articles 22-26 and 36 of this Law. The contract on waiving the remuneration shall be null and void.

(4) The amount of remuneration and the payment order shall be established by a contract, signed between:

- a) the author and the user of the work;
- b) the collective administration organization and the users of the work;
- c) the holders of the exclusive economic rights and the users.

(5) The minimum amount of remuneration shall be established by the Government of the Republic of Armenia for the public performance, broadcasting, and reproduction through recordings, rental, and reproduction of works of applied decorative art in industry.

(6) The right of rental or lending of an original or copies of a work belongs to the author irrespective of the ownership right in those copies. The mentioned right does not apply to the computer programs which are not the main object of rental by themselves or are included in a device or product and which cannot in normal exploitation be reproduced or copied.

(7) If the original or copies of a work lawfully published are put into civil circulation by sale or other means of transfer of ownership, the further distribution thereof shall not require an

authorization from or remuneration to the author except in cases provided for by Article 27 of this Law.

#### Article 14. **Reproduction**

For the purpose of this Law reproduction of a work shall mean the fixation in any tangible medium directly or indirectly, permanently or temporarily by any means and in any form, in whole or in part.

#### Article 15. **Distribution**

For the purpose of this Law distribution of a work shall mean the putting into circulation the original or copies of a work by sale or other form of transfer of ownership as well as their importation.

#### Article 16. **Rental**

For the purpose of this Law rental of a work shall mean providing the original or copies of a work for a limited period of time for use for the purpose of direct or indirect economic or commercial advantage.

#### Article 17. **Lending**

For the purpose of this Law lending of a work shall mean providing the original or copies of a work for a limited period of time for use through establishments accessible to the public without direct or indirect economic or commercial advantage.

#### Article 18. **Public Display**

For the purpose of this Law public display of a work shall mean the display of a work directly or by means of technical devices in places where persons outside the usual circle of a family can be present, irrespective of the place and time of their being.

#### Article 19. **Communication to the Public**

(1) For the purpose of this Law communication of a work to the public shall mean making a work available to the public in an intangible form, live or from a recording, by wire or wireless means.

(2) The communication of a work to the public is also making it available to the public in such a way that members of the public may access to the work from the place and time individually chosen by them particularly by means of computer or similar networks.

## Article 20. **Public Performance**

For the purpose of this Law public performance of a work shall mean the presentation of a work in an intangible form by recitation, game, song, dance or other means, by live performance as well as by means of technical devices in places where persons outside the usual circle of a family can be present, irrespective of their being in the same place at the same time or in different places at different times.

## Article 21. **Broadcasting and Re-broadcasting**

(1) For the purpose of this Law broadcasting shall mean transmission of images and (or) sounds or signals thereof through electromagnetic waves by wire (including cable communication) or by wireless means (including broadcasting by radio, television or satellite communications) to make the images and sounds available to the public. The transmission of encrypted signals is also considered broadcasting if their decrypting means are supplied to the public by the broadcasting organization or with its consent.

(2) Re-broadcasting shall mean simultaneous broadcast or further broadcast of an already broadcast and recorded program by another broadcasting organization.

(3) For the purpose of paragraph (1) of this Article communication to the public by satellite shall mean when under the control and responsibility of broadcasting organization program-carrying signals intended for the public are sent in an uninterrupted chain of communication to a satellite and down to the Earth.

## Article 22. **Free Use of a Work**

(1) Free use of a work shall mean the use of a work without the consent of the author and without remuneration, however with the obligatory mention of the author's name and the origin of the work, which does not prejudice the normal exploitation of the work and legitimate interests of the author to his work.

(2) The following free uses shall be permitted:

- a) the quotation, in original language or in translation, of an extract of the work lawfully made public for scientific, research, polemic, critical and informational purposes, including the reproduction of the extracts from the articles of newspapers and magazines in the form of a press release, to the extent justified by the purpose of quotations;
- b) the use of works of literature and art lawfully made public and extracts thereof by illustration in the publications of educational nature, programs of broadcasting organizations, audio and video recordings to the extent justified by the purpose of illustration of education, and in the case of databases – for the illustration of education and to the extent justifying the non-commercial purpose;
- c) the reproduction by the press and broadcasting of lawfully published in the press articles on current economic, political, social and religious issues or of broadcasted works of the same nature, if such a use had not been prohibited by the author beforehand;
- d) the reproduction of political speeches, lectures, announcements and other similar works delivered in public, in the press and the broadcasting thereof, to the extent justified by the purpose of information;
- e) 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;

f) the use of a work, except computer programs, for the purposes of court and administrative proceedings, to the extent justified by the purpose. In such cases the mentioning of the author's name and the source of the work is not obligatory;

g) public performance of a musical work lawfully made public:

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

(ii) 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, trustees, tutors). In these cases, the mention of the author's name and the source of the work is not obligatory;

h) the reproduction in Braille, or by other special ways foreseen for the blind, of a work lawfully made public, done without profit-making, with the exception of reproduction of the works created especially by such means;

i) the reproduction and distribution of works, displayed at exhibitions, auctions, fairs and collections, in catalogues published for that purpose by the organizers of such displays mentioning the title of each work and the author's name if the latter are indicated on the work used;

j) transformation of a work made public

(i) if it is a private or other internal transformation and is not intended for or not available to the public;

(ii) if the work is transformed into a parody or caricature, provided this does not create confusion as to the source of the work.

(3) It shall be permitted, without the author's consent and without remuneration, to make short-time or rare temporary reproductions of a work, which have no individual economic significance, and is an inseparable and significant part of technological procedures and which have the following purpose:

i) network distribution of a work through a mediator among third parties; or

ii) provision of a possibility for lawful use of a work.

### **Article 23. Reproduction of a Work for Private Purposes**

The reproduction of a work lawfully made public shall be permitted without the consent of the author and without remuneration exclusively for private, non-commercial use, which does not prejudice the legitimate interests of the author.

This provision shall not apply to the reproduction of constructions and architectural works of similar structure, machine-readable databases or their substantial parts, computer programs, as well as to the reproduction of whole books and graphic editions of musical works, unless otherwise provided by this Law.

### **Article 24. Reprographic Reproduction of a Work**

(1) Reprographic reproduction shall mean a facsimile reproduction in one or more copies, in any dimension (enlarged or reduced) and in any form, of the original or the reproduction 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.

(2) Reprographic reproduction shall not include the storage of the mentioned copy in electronic (including digital), optical or other machine-readable form or reproduction thereof.

(3) Without the consent of the author and without remuneration but with the obligatory mention of the author's name and the source of the work, and without profit making the following shall be permitted:

- a) the reprographic reproduction of a lawfully published work by the libraries and archives, educational and cultural institutions for the purpose of restoring or substituting the lost or damaged copies (in one copy), 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 ways is impossible;
- b) the reprographic reproduction (in one copy) of independent articles, succinct works lawfully published in collections, newspapers and other periodical publications, and of short extracts from lawfully published written works by the libraries and archives (on the demand of the natural persons) for the study and research purposes, as well as by the educational institutions for the classroom studies, except computer programs;
- c) the reprographic reproduction (in one copy) of the whole book if such work is out of print not less than 2 years;
- d) the reproduction (in one copy) of a graphic edition of musical work by means of handwritten transcription.

#### **Article 25. Use of Works Located in Open for Attendance Places**

Without the consent of the author and without remuneration it shall be permitted to reproduce, broadcast for non-commercial purposes works of architecture, photography or figurative arts located in open for attendance places.

#### **Article 26. Making and Free Use of Short-Time Audio and Video Recordings by Broadcasting Organization**

(1) Without the consent of the author and without additional remuneration a broadcasting organization has the right to make short- time audio or video recordings of the work, in respect of which it has obtained the broadcasting right, if the audio or video recording is made by that broadcasting organization through its own technical equipment and for its own programs.

(2) The broadcasting organization shall be liable to destroy the audio or video recording within 6 months after it has been created unless the further use of the short-time audio or video recording has been agreed with the author of the work.

(3) Without the consent of the author of the audio or video recording of a work short-time use of may be preserved in official archives if it is of an exclusively documentary nature.

## Article 27. Copyright in a Work of Fine Art

(1) The author of a work of fine art has a right to demand from the owner of the original or the copy of the work to provide him an opportunity to reproduce and reprocess his work if it does not prejudice the legitimate interests of the owner. However, the owner of the work is not obliged to deliver the work to the place of the author. By providing such an opportunity the owner may require the author to provide security in the amount of the market value of the original or the copy of the work or other assurance.

The author shall bear the necessary expenses for enjoying the mentioned right, as well as be liable for any damage to the original or copy of the work.

(2) The transfer of the right of ownership to the work of fine art by the author to a third person (compensated or not compensated) is considered the first alienation of the right of ownership to the work.

(3) The author of the work of fine art has a right to be notified of the resale of the original of the alienated work of fine art by the owner, auctions, galleries, art salons, stores or other agent, and shall enjoy the inalienable right to obtain from the vendor five percent of the price of each subsequent resale (resale right).

The owner transferring the ownership in the original of fine art is liable to pay remuneration to the author. If the transfer of ownership is effected through the mentioned organizations or any other agent, these natural or legal persons are jointly liable with the person transferring the ownership.

The application of the resale right shall be executed in case the selling price is equal to or more than 250.000.

(4) For the purpose of this Law the original of a work shall mean works of graphic or plastic art, such as pictures, drawings, paintings, collages, engravings, tapestries, sculpture, works of lithographic, ceramic, photographic, jewellery art provided they are made by the author or are considered to be original works.

For the purposes of this Law copies of works of art, which have been made in limited numbers by the author himself or with his consent, shall be considered to be original works of fine art. Such copies will normally be numbered, signed or otherwise duly authorized by the author.

(5) The collection of remuneration mentioned in paragraph (3) of this Article and its distribution to the author or his successor is executed by the organization for collective administration of authors' economic rights.

(6) The owner of the original of fine art, the auction gallery or the other agent shall, within 30 days after the sale, provide information on the sold originals, the selling price and the vendor to the organization for collective administration of authors' economic rights.

(7) The resale right may be transferred inherently and shall terminate with the expiration of the economic rights in the work.

(8) Citizens of foreign countries shall enjoy the right mentioned in paragraph (3) of this Article with the principle of reciprocity.

## **Article 28. Distinctions of Rights in Architectural Works**

(1) The owner of a building or a construction which constitutes or includes subject matter of copyright may make alterations to the building or construction, reconstruct or destroy it in the order established by the law without the consent of the author, unless otherwise provided by the contract (documentation) on attainment of the building or construction (except the constructions presenting the architectonic value and buildings, statues, ornaments, decorations, frescos preserved by the State or Local Self- Governance Bodies).

(2) The authors of a works of architecture, urban planning, landscaping have a priority right to participate in their practical realization, as well as in making alterations provided for by paragraph (1) of this Article unless otherwise provided by the author's contract.

## **Article 29. Copyright in a Collection Work**

(1) The compiler of a compiled or other composite work or the author of databases shall enjoy the copyright in the selection and arrangement of the contents of those works considered as results of his creativity.

(2) The compiler shall enjoy copyright provided he has caused no prejudice to the rights of the authors of the works included in the collection work

(3) The authors of the works, which are included in a collection work, shall be entitled to use their works independently.

(4) Copyright of a compiler cannot prevent other persons the implementation of the selection and arrangement of the same works in their collections, if the requirements of paragraph (2) of this Article are met.

## **Article 30. Copyright in Translation and Other Derivative Works**

(1) Translations and other derivative works are independent works and shall enjoy protection equal to the originals.

(2) Copyright in translations, arrangements, adaptations and other transformations shall belong to the translators or the authors of other derivative works, irrespective of whether or not the works translated or arranged are protected under copyright.

(3) The translator or the author of other derivative work shall enjoy copyright without prejudice to the rights of the author of the translated or otherwise transformed work.

(4) Copyright of a translator or the author of other derivative work cannot prevent other persons to translate or otherwise transform the same work if the requirements of paragraph (3) of this Article are met.

## **Article 31. Copyright in a Collective work**

(1) Collective work shall mean a work, created by two or more natural persons on the initiative and responsibility of any person (hereinafter "the organizer").

(2) The persons, organizing the creation of a collective work, who publish encyclopedias, encyclopedic dictionaries, periodic and continuous 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 (denomination of the periodical) or require such a mention whenever the collective work is used.

(3) The authors of the works included in a collective work, shall retain their exclusive rights to use their works in other forms and modes, unless otherwise stipulated by the contract.

(4) The organizer is not an author of the work.

#### **Article 32. Copyright in an Interview**

(1) The copyright in an interview belongs to both, the interviewee and interviewer, as to co-authors, unless agreed otherwise.

(2) The making public of an interview shall be permitted only with the consent of the interviewee and the interviewer.

#### **Article 33. Copyright in an Employment Work**

(1) Economic rights in a work created on employment assignments or employment duties shall belong to the employer unless otherwise stipulated by the contract between the author and the employer.

(2) The contract concluded between the author and the employer may provide equitable remuneration for the author for the use of each type of the employment work as well as the calculation and payment order and contain other terms for the use of the work.

(3) The provisions of this Article shall not apply to encyclopedias, encyclopedic dictionaries, scientific works, periodic and continuous collections, newspapers, magazines and other periodical publications created by the order of employment assignments or employment duties.

#### **Article 34. Copyright in Audiovisual Works**

(1) An audiovisual work is a fixed series of interrelated images, with or without sound accompaniment, which is a unique outcome of a creative activity and which by means of appropriate technical device can be viewed and heard if accompanied by sound.

(2) The principal director, the author of screenplay, the author of music specifically created for the audiovisual work, the author of dialogue, the cameraman shall be deemed the authors of the integrated audiovisual work

(3) The economic rights of the authors, among them the exclusive right of subtitling and doubling of the work, shall be transferred to the producer of the first fixation of the audiovisual work by the contract on the creation of the audiovisual work concluded with the producer.

The relations between the producer of the first fixation of audiovisual work and the authors as well as the issue of obligatory remuneration to the authors shall be regulated by contract. In the absence of the contract the authors retain the right to receive an equitable remuneration for any type of use, the contract on waiving the remuneration shall be null and void.

(4) The producer of the first fixation of an audiovisual work shall be deemed the author if he is at the same time one of the authors stated in paragraph (2) of this Article.

(5) Each of the authors of the works included as component parts in the audiovisual work, both previously existing (a novel serving as a basis for the scenario, etc.), and created in the course of work (by the artistic director, costume designer and other persons) shall enjoy the copyright in his work.

Authors of such works, who have agreed to include their works in an audiovisual work, have no right to prevent or otherwise limit the use of the audiovisual work.

(6) In case of the rental of the master or copies of an audiovisual work, the authors of the work shall retain their rights to receive remuneration. The collection, distribution and payment of the remuneration is carried out by the organization for collective administration of economic rights.

(7) The producer of the first fixation of an audiovisual work is entitled to mention his name or nomination or demand such a mention whenever the work is used.

(8) The master of the copy of an audiovisual work cannot be destroyed without the consent of the authors and the holder of the economic rights (right holder).

### **Article 35. Computer Programs and Copyright in Computer Programs**

(1) Computer programs, within the meaning of this Law, shall mean programs expressed in any form, including preparatory design materials for their creation.

Computer program shall be protected if it is original and is a result of the author's own creative intellectual work.

(2) Unless otherwise provided for in Article 36 of this Law the author of a computer program shall have the exclusive right to do or authorize the following acts:

- a) to make permanent or temporary reproductions of the computer program by any means and in any form in part or in whole. In so far as loading, displaying, running, transmission or storage of the computer program necessitate its reproduction the author's permission shall be necessary for such acts;
- b) to make translations, adaptations, arrangements and any other alterations of the computer program and the reproduction of the results thereof without prejudice to the rights of the person who alters the program with his consent;
- c) to distribute the original or copies thereof in any form including its rental and lending.

### **Article 36. Free Reproduction of Computer Programs Decompilation of Computer Programs**

(1) The person lawfully possessing a copy of a computer program (hereinafter, the user), without the consent of the author and without additional remuneration, has a right to reproduce or to alter it in a single copy, if such copy or alteration is necessary: a) for the use of the computer program in conjunction with the technical means of the user, exclusively for

the purpose and to the extent for which the program has been intended, including for correction of the obvious errors present therein;

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

(2) The user of the computer program has a right, without the consent of the author and without 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.

3) The user of the computer program has a right, without the consent of the author and without 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.

### **Article 37. Term of Protection of Economic Rights**

(1) The author's economic rights shall run for the whole life of the author and for 70 years after his death.

(2) The economic rights in a work created by co-authorship shall run for the life of the co-authors and for 70 years after the death of the last surviving author.

(3) In case of anonymous or pseudonymous works the economic rights of the author emanate from the date the work is lawfully made available to the public and shall run for 70 years. If, during the mentioned period, the identity of the author of the work made public anonymously or under a pseudonym is disclosed, the terms mentioned in paragraph (1) of this Article shall apply.

(4) The term of protection of the economic rights in the collective works shall be calculated according to the procedure referred to in paragraph (3) of this Article.

(5) Where a work is published in parts (in volumes, installments, issues, series, episodes, etc.), and the term of protection of economic rights runs from the time when the work was lawfully made available to the public, the term of protection of economic rights shall be calculated for each such item separately.

(6) The term of protection of audiovisual works shall expire 70 years after the death of the

last of the following persons to survive: the principal director, the author of the screenplay, the author of the dialogue, the composer of music specifically created for the audiovisual works and the cameraman.

(7) Upon expiration of the term of protection of economic rights, the work shall fall into the public domain. Any person can freely use the works in public domain without the author's remuneration, however, protecting the right of authorship, the right of name and the right of honor and reputation of the author.

(8) The terms of protection laid down in this Article shall be calculated from the first day of January of the year following the year in which the event has occurred.

#### **Article 38. Inheritance of Economic Rights and Transfer**

(1) Copyright is subject to succession.

(2) The right of authorship, the right of name, the right of honor and reputation, and the right of withdrawal shall not be transferable by succession.

(3) The author's heirs are entitled to protect the right of authorship, the right of name, the right of honor and reputation, without term limitation.

In case of absence of heirs the protection of the mentioned rights shall be carried out by the Authorized Body of the Government of the Republic of Armenia.

(4) Economic rights of the author may be transferred to a third person by a contract concluded between the latter and the author, his heirs and subsequent successors in title.

(5) Economic rights may be transferred to another person in the result of reorganization of the right holder legal entity.

#### **Article 39. License for the Use of Work Author's Contract**

(1) Third persons may use the work only with the consent of the holder of economic rights (the author of a work or a third person who has obtained these rights in the order established by Law, hereinafter right holder) on the basis of author's contract, unless otherwise provided by Law.

(2) Author's contract, which regulates the relations between the right holder and the person who has obtained license to use the work (hereinafter licensee), shall be compensative and may be exclusive or non-exclusive.

(3) By the author's non-exclusive contract the right holder grants the licensee a right to use the work in certain term and within the limits mentioned in the contract, retaining the exclusive rights in the work, among them the right to authorize third persons to use the work.

(4) By the author's exclusive contract the right holder transfers the licensee an exclusive right to use the work in certain term and within the limits provided by the contract, retaining the right in the work for the part specified by the contract. In this case the right to prevent the use of the work by third persons may be exercised by the right holder, if the licensee does not do so.

(5) The rights transferred by the author's contract are considered to be non-exclusive unless otherwise provided by the contract.

(6) Conditions of the contract, limiting the author's rights of creating a work in future shall be null and void.

(7) The rights to use an unknown work at the moment of concluding the contract may not be a subject matter of an author's contract.

#### **Article 40. The Conditions and Forms of an Author's Contract**

(1) The author's contract shall establish the extent of the transferred rights, the modes of using the work, the term of transferring the right to use and the amount of remuneration, the order to determine the amount of remuneration, the term and order of payment, as well as other conditions that the parties may consider to be essential.

(2) Remuneration in the author's contract is defined as a percent of profit received from the relevant exploitation of the work, and in the case it is not possible due to the nature of the work, it is defined as a certain amount fixed in the contract or in any other way acceptable for the parties. The size of the fixed amount shall not be less than the minimum rates for authors' remuneration established by the government of the Republic of Armenia. While determining the remuneration as a fixed amount the maximum quantity of publication copies shall be defined in the contract.

(3) In case of absence, in the author's contract, of the condition in respect of the territory within the boundaries of which the right of use of the work is valid, the validity of the contract shall be limited to the territory of the Republic of Armenia.

(4) All the other rights, which are not provided in the author's contract, shall be reserved in favor of the right holder.

(5) The author's contract is valid until the expiry date mentioned in the contract but shall cease at the moment of expiry of the term of validity of economic rights. If the term of validity is not mentioned in the license contract then the defined validity period shall be considered 5 years.

(6) Each party of the contract may transfer the rights, transferred under the author's contract, to third persons, either entirely or in part, only in case it is directly stipulated by the contract.

(7) Conditions of the author's contract, which contradict with the provisions of this Law or limit the author's rights of creating in future a work of certain type and in certain field, shall be null and void.

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



#### **Article 41. The liability of the Parties in Case of Infringement the Author's Contract**

The party who failed to carry out the obligations assumed under the author's contract shall be required to compensate the other party for the caused damage, (including the lost benefit).

### **Chapter 3: Related Rights**

#### **Article 42. Performance and Performers**

(1) Performance shall mean the performance of an actor, singer, musician, dancer, conductor, choirmaster, or other person, who acts, sings, recites, presents or otherwise performs a literary or artistic work among them expressions of folklore and art.

(2) Performers are actors, singers, musicians, dancers, conductors, choirmasters or other persons who play a role, sing, recite, declaim, play or otherwise perform literary or artistic works, circus, puppet, variety and other similar shows including expressions of folklore and art.

#### **Article 43. Rights of the Performer**

The performer has exclusive moral non-economic and exclusive economic rights to his performance.

#### **Article 44. Moral Non Economic Rights of the Performer**

(1) The performer has the following moral non-economic rights to his performance:

- a) the right to be recognized as the performer;
- b) the right to protect the performance from any distortion or from any trespass to protect the honor or dignity of the performer.

(2) The moral non-economic rights of the performer are inalienable and nontransferable and are not subject to exhaustion.

#### **Article 45. Economic Rights of the Performer**

(1) The performer has the right to use his performance in any form and mode and to receive remuneration for any type of use of the performance except the cases provided by this Law.

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

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

h) the making of the fixed performance available to the public.

(3) The performer has the right to prohibit the import of copies of the fixed performances made without his permission.

(4) Where the copies of fixed performances have been put into public circulation through sale or other form of transfer of ownership, the further distribution including import thereof shall be realized without the consent of the performer and without remuneration.

(5) The right to distribute by rent the copies of fixed performances published for commercial purposes shall belong to the performer irrespective of the ownership in these copies. The performer shall retain the right to receive an equitable remuneration for rental of such copies, the contract on waiving of which is null and void. This right may be executed through the collective administration society.

(6) Permissions specified by paragraph (2) of this Article, shall be granted by the performer and, in case of a group of performers, by their authorized representative through concluding a written contract with the user. The contract concluded for the group of performers may not refer to the soloists and conductors.

(7) The conclusion of an individual or collective contract for the purpose of creating an audiovisual work, between the performer and the producer of a fixation of an audiovisual work results in transferring by the performer the rights specified in paragraph (2) of this Article to the producer, unless otherwise provided by the contract. However, the performer retains his right of rental of the copies of such an audiovisual work and the right to receive an equitable remuneration for other types of use referred to in paragraph (2). Provision of such rights by the performer shall be limited by the use of the audiovisual work itself, and unless otherwise stipulated by the contract, provision of such rights shall not include the right to use separately the sounds or the images fixed in the audiovisual work.

(8) The economic rights in the performances carried out by the performer in execution of his employment assignments or duties shall belong to the employer unless otherwise provided by the contract.

(9) The performer may transfer his economic rights to a third person wholly or in part by a contract.

The performer may also authorize third persons to use his performance by contract. The contract shall include the form and term of use of the performance, the amount of remuneration and the payment order, the term of validity of the contract, the area, etc.

The economic rights of the performer may be inherently transferred to another person by the order of comprehensive succession or by the right of re-organization of a legal entity, which is the right holder.

## **Article 46. Phonogram and Phonogram Producers**

(1) Phonogram shall mean an exclusively aural fixation of sounds of a performance or other sounds, or the fixation of representations thereof in digital or any other form, other than in the form of a fixation incorporated in audiovisual works.

(2) Producer of a phonogram is a natural or legal person who, on his initiative and responsibility, has made the first fixation of the sounds of a performance or other sounds, or the representations of sounds.

## **Article 47. Rights of The Producer of Phonogram**

(1) The producer of a phonogram has a right to use his phonogram in any form and to receive remuneration for any form of use of the phonogram except in the cases provided by this Law.

(2) The producer of a phonogram has an exclusive right to authorize or prohibit third persons the following acts:

- a) the direct or indirect reproduction of the phonogram;
- b) the distribution of the original or copies of the phonogram among them the import;
- c) the rental of the original or copies of the phonogram;
- d) the lending of the original or copies of the phonogram;
- e) the broadcast of the phonogram;
- f) the making available to the public of the phonogram.

(3) The producer of a phonogram has the right to prohibit the import of copies of phonograms made without his consent.

(4) Where the copies of a lawfully produced phonogram have been put into public circulation through sale or other form of transfer of ownership, the further distribution including import thereof shall be realized without the consent of the producer of the phonogram and without remuneration.

(5) The right to rent the copies of phonograms published for commercial purposes shall belong to the producer of the phonogram irrespective of the ownership in these copies. The producer of the phonogram shall retain the right to receive an equitable remuneration for rental of such copies, the contract on waiving of which is null and void.

(6) The producer of a phonogram may transfer his economic rights to a third person wholly or in part by a contract.

(7) The producer of a phonogram may also authorize third persons to use his phonogram by contract. The contract shall include the form and term of use of the phonogram, the amount of remuneration and the payment order, the term of validity of the contract, the area, etc.

(8) The economic rights of the producer of a phonogram may be inherently transferred to a third person by the order of comprehensive succession or by the right of reorganization of a legal entity, which is the right holder.

#### **Article 48. The Producer of First Fixations of Film**

(1) For the purposes of this Law the term “film” shall mean an audiovisual work or moving images whether or not accompanied by sound.

(2) Moving images shall mean a fixed series of interrelated images (whether or not accompanied by sound), which is perceivable by sight and if accompanied by sound, perceivable also by hearing. Moving images are not outcome of creative activity and are not copyrightable.

(3) The producer of first fixation of a film is the natural or legal person who, on his initiative and responsibility has made the first fixation of the film.

#### **Article 49. Rights of Producer of the First Fixation of a Film**

(1) The producer of the first fixation of the film has a right to use his fixation in any form and to receive remuneration for any form of use of the film except in the cases provided by this Law.

(2) The producer of the first fixation of a film has an exclusive right to authorize or prohibit third persons the following acts:

- a) the direct or indirect reproduction of the original or copies of the fixation;
- b) the distribution of the original or copies of the fixation among them the import;
- c) the rental of the original or copies of the fixation;
- d) the lending of the original or copies of the fixation;
- e) the broadcast of the fixation;
- f) the making available to the public of the fixation.

(3) The producer of the first fixation of a film has the right to prohibit the import of copies of fixations made without his consent.

(4) Where lawfully produced copies of fixation of a film have been put into public circulation through sale or other form of transfer of ownership, the further distribution including import thereof shall be realized without the consent of a film producer and without remuneration.

(5) The right to rent the copies of a film published for commercial purposes shall belong to the producer of the first fixation of the film irrespective of the ownership in these copies. The producer of the first fixation of a film shall retain the right to receive an equitable remuneration for rental of such copies, the contract on waiving of which shall be null and void.

(6) The producer of the first fixation of a film may transfer his economic rights to a third person wholly or in part by a contract.

The producer of the first fixation of a film may also grant third persons a right to use his film by contract. The contract shall include the form and term of use of the film, the amount of remuneration and the payment order, the term of validity of the contract, the area, etc.

(7) The economic rights of a producer of the first fixation of a film may be inherently transferred to a third person by the order of comprehensive succession or by the right of reorganization of a legal entity, which is the right holder.

#### **Article 50. Broadcasting Organization and Its Program**

(1) Broadcasting organization shall mean a natural or legal person who, on his initiative and responsibility broadcasts or prepares and broadcasts programs.

(2) Program of a broadcasting organization shall mean a body of live performance or fixed material containing images and/or sounds, or other information, meant for dissemination, which has been prepared by an air or a cable broadcasting organization, or another person on its commission and with its funds.

#### **Article 51. Rights of Broadcasting Organization**

(1) The broadcasting organization has a right to use his program in any form and to receive remuneration for any form of use of a program except in the cases provided by this Law.

(2) The broadcasting organization has an exclusive right to authorize or prohibit third persons the following acts:

- a) the fixation of the program;
- b) the direct or indirect reproduction of the fixed program;
- c) the distribution of copies of the fixed program among them import;
- d) the rebroadcast of the program;
- e) the communication of the program in places accessible to the public against payment of an entrance fee;
- f) the making available to the public of the program.

(3) The broadcasting organization has also the right to prohibit the import of copies of prepared programs made without his consent.

(4) The broadcasting organization may transfer its economic rights to a third person wholly or in part by a contract.

The broadcasting organization may also grant third persons a right to use his program by contract. The contract shall include the form and term of use of the program, the amount of remuneration and the payment order, the term of validity of the contract, the area, etc.

(5) The economic rights of a broadcasting organization may be inherently transferred to a third person by the order of comprehensive succession or by the right of reorganization of a legal entity, which is the right holder.

#### **Article 52. Conditions of Origin of Related Rights and The Notification of These Rights**

(1) An observance of any formality or registration for the arising and exercising of related rights is not required.

(2) Producers of phonograms for the notification of their related rights may put the symbol of protection of related rights on each copy of the fixation medium or on the containers, consisting of:

- a) the Latin letter “P” in a circle (è);
- b) the name or firm name of the holder of related rights;
- c) the year of the first publication of the phonogram.

#### **Article 53. Limitations of Rights of Performers, Producers of Phonograms or Film Producers and Broadcasting Organizations**

The use of a performance, a phonogram, a film or a program of a broadcasting organization shall be permitted without consent and without remuneration of the performer, the producer of phonograms, film producer or the broadcasting organization, applying the provisions provided by Articles 22-26 of this Law to the performance, the phonogram, the film or the program of a broadcasting organization provided that such use shall not conflict with the normal exploitation of the performance, the phonogram, the film or the program, as well as works in the domain of science, literature and art included therein, and shall be without prejudice to the legitimate interests of holders of related rights and authors of the mentioned works.

#### **Article 54. Use of Phonogram Published for Commercial Purposes**

(1) If a phonogram published for commercial purposes or a reproduction of such a phonogram is used directly for broadcasting or for any communication to the public, a single equitable remuneration shall be paid by the user to the performer and the producer of phonogram.

(2) Distribution of remuneration between the performer and the producer of phonogram shall be according to the contract between them and in case of absence of it, the due remuneration shall be shared equally between them.

(3) The collection of remuneration provided for by paragraph (1) of this Article and the distribution of it between the performers and producers of phonograms is exercised through the relevant organization of collective administration of economic rights.

#### **Article 55. Rights of Publishers**

(1) The exclusive rights to the typographical arrangements of the editions shall belong to the publisher of that very arrangement.

(2) The publisher has a right to authorize or prohibit third persons the reproduction of the typographical arrangements of his editions.

(3) The publisher may transfer his economic rights to a third person wholly or in part by a contract.

(4) The publisher may also grant third persons a right to use his typographical arrangement by contract. The contract shall include the term of use, the amount of remuneration and the payment order, the area, etc.

(5) The economic rights to a typographical arrangement may be inherently transferred to a

third person by the order of comprehensive succession or by the right of reorganization of a legal entity, which is the right holder.

#### **Article 56. Protection of Previously Unpublished Works**

Any person who, after the expiry of economic rights, for the first time lawfully publishes or by other means makes available to the public a previously unpublished work, shall benefit from the rights equivalent to the economic rights of the author provided by this Law.

#### **Article 57. Critical and Scientific Editions of Works in Public Domain**

(1) Any person who prepares the critical or scientific edition of a work, which has come into the public domain, which is essentially different from known editions of that very work, shall benefit from a right equivalent to the economic rights of the author provided by this Law.

(2) The provision of paragraph (1) of this Article shall cover also the cases, when the edition of a work, which has come into the public domain, is not a subject matter of copyright.

#### **Article 58. Databases and Maker of Database**

(1) For the purposes of this Law a database shall mean a collection of works, data or other independent materials arranged in a systematic or methodical way the individual elements of which shall be separately accessible by electronic or other means and the acquisition, verification or presentation thereof shall require substantial qualitative and (or) quantitative contribution.

(2) For the purposes of this Law the maker of a database shall be deemed any person by whose initiative and on whose own responsibility substantial qualitative and (or) quantitative contribution is made for the acquisition, verification or presentation of the content of the database.

(3) Any substantial change, evaluated qualitatively or quantitatively, to the content of the database, including any substantial change resulting from the accumulation of successive editions, deletions or alterations, which would result in the database being considered to be a substantial new investment, evaluated qualitatively or quantitatively, shall qualify a new database resulting from that investment.

#### **Article 59. Rights of the Maker of Database**

(1) The maker of a database shall have the right to prohibit the extraction and/or re-utilization of the whole contents or a substantial qualitative and/or quantitative part of the database.

(2) For the purpose of this Law:

a. “extraction” shall mean the permanent or temporary transfer of all or a substantial part of the contents of a database to another medium by any means or in any form.

b. “re-utilization” shall mean any form of making available to the public all or substantial part of the contents of a database by the distribution of copies, by renting, by on-line or other forms of transmission.

Lending of the original or copies of a database through establishments, which are accessible to the public, is not an act of extraction or re-utilization.

The right provided for in paragraph one of this Article may be applied irrespective of the eligibility of the contents of that database for protection by copyright or by related rights and shall be without prejudice to the rights of the authors or holders of related rights in respect of the works contained in the database.

(3) The repeated and systematic extraction and/or re-utilization of insubstantial parts of the contents of the database implying acts which conflict with a normal exploitation of that database or which unreasonably prejudice the legitimate interests of the maker of the database shall not be permitted.

(4) The maker of database may transfer his economic rights to a third person wholly or in part by a contract.

The maker of database may also provide, by contract, third persons with the right to use the database. The contract shall include the form and term of use of the database, the amount of remuneration and the payment order, the area, etc.

(5) The economic rights provided for by this Article in respect of the database may be inherently transferred to another person by the order of comprehensive succession or as a result of reorganization of a legal entity, which is the right holder.

#### **Article 60. Rights and Obligations of Lawful Users of Database**

(1) The maker of a database which is made available to the public in whatever manner may not prevent a lawful user of the database from extracting and (or) re-utilizing insubstantial parts of its contents, evaluated qualitatively and (or) quantitatively, for any purposes, whatsoever. Where a lawful user is authorized to extract and (or) reutilize only a part of the database, this provision shall apply only to that part.

(2) A lawful user of a database, which is made available to the public in whatever manner, may not perform acts, which may conflict with normal exploitation of the database or unreasonably prejudice the legitimate interests of the maker of the database.

(3) A lawful user of a database which is made available to the public in whatever manner may not cause prejudice to the holder of a copyright or related rights in respect of the works or subject matters contained in the database.

(4) A lawful user of a database which is made available to the public in whatever manner may, without the authorization of the maker of the database, extract or re-utilize a substantial part of its contents:

- a. in the case of extraction for private purposes of the contents of a non-electronic database;
- b. in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to extent justified by the non-commercial purpose to be achieved;



c. in the case of extraction and (or) re-utilization for the purposes of public security or an administrative or judicial procedure.

#### **Article 61. Term of Protection of Related Rights**

(1) The economic rights of performers emanate from the date of performance and shall run 50 years. If the fixation of a performance was lawfully published or lawfully made available to the public within this period, the rights of performer shall emanate from the date of first such publication or from the first such making available to the public, (whichever occurred earlier) and shall run 50 years.

(2) The economic rights of a producer of a phonogram emanate from the date of fixation and shall run 50 years. If the phonogram was lawfully published or lawfully made available to the public within this period, the rights of a producer of a phonogram shall emanate from the date of first such publication or from the first such making available to the public, (whichever occurred earlier) and shall run 50 years.

(3) The economic rights of producer of the first fixation of the film emanate from the date of fixation and shall run 50 years. If the film was lawfully published or lawfully made available to the public within this period, the rights of film producer shall emanate from the date of first such publication or from the first such making available to the public, (whichever occurred earlier) and shall run 50 years.

(4) The economic rights of a broadcasting organization in respect with the program emanate from the date of first broadcast and shall run 50 years.

(5) The right of publisher emanates from the date of publication and shall run 50 years.

(6) The rights of a database maker shall emanate from the date of completion of the making of the database and shall run 15 years.

If, the database is made available to the public in whatever manner before expiry of the mentioned period, the term of protection of economic rights of the maker of the database shall be calculated from the date of the first making available to the public.

(7) The rights in an unpublished works shall emanate from the date of first lawful publication or from the date of first lawful making available to the public by other means and shall run for 25 years.

(8) The rights in editions of critical and scientific publications shall emanate from the date of first lawful publication and shall run for 30 years.

(9) The terms laid down in this Article are calculated from the first day of January of the year following the relevant mentioned event.

#### **Article 62. The Relationships of Rights of Author and Holders of Related Rights**

(1) The performers shall exercise their rights without prejudice to the rights of the author of the work.

(2) The producers of first fixations of films, the producers of phonogram shall not prejudice the rights of authors and performers.

(3) The broadcasting organizations shall not prejudice the rights of authors, performers, producers of phonograms and film producers.

#### **Chapter 4: Administration of Rights**

##### **Article 63. Organizations for Collective Administration of Economic Rights**

(1) For the provision of administration of economic rights of holders of copyright and related rights, where the exercise of economic rights in personal order is practically difficult or impossible, non-commercial, non-profit organizations for collective administration of economic rights (hereinafter referred to as “organization”) shall be established.

Such organizations shall be established directly by authors or related rights holders and exercise the collective administration of economic rights within the frameworks of authorization granted to them by written contract.

Those organizations, which represent a substantial part of right holders and have the necessary technical means and human resources for the execution of their activities, are subject to registration.

Collective administration of rights with respect to the same category of works (public performance, record reproduction, resale right, broadcasting, cable transmission, private reproduction, rights of performers and producers of phonograms) may be entrusted to one collecting organization only.

The following are subject to collective administration:

- a) right of public performance;
- b) right of communication to the public;
- c) right of audio-video reproduction;
- d) right to broadcast and rebroadcast;
- e) right of cable transmission and retransmission.

(2) In case of presence of an organization for collective administration of economic rights for any type of use the rights provided for by this Law shall be exercised by the organization.

(3) The right to remuneration is subject to collective administration in the following cases:

- a) for the use of a phonogram produced for commercial purposes by broadcasting, re-broadcasting, cable transmission or retransmission;
- b) for the use of a performance fixed in a phonogram produced for commercial purposes by broadcasting, re-broadcasting, cable transmission or retransmission;
- c) for resale of a work of fine art;
- d) for renting the original or copies of a work or a copy of a recording or audio-video recoding of a performance;
- e) for the use of a work, live performance or a performance fixed in a phonogram (with the exception of those produced for commercial purposes), as well as audiovisual fixations and phonograms by cable retransmission.

(4) The organization shall, within the power assigned to it by the appropriate contracts of holders of copyright and related right, as well as similar foreign organizations, authorizes the

user with a license contract, to use the work or subject matter of related rights, as well as carry out calculation and collection of remunerations paid by using organizations.

(5) The relationship between the organization and the users concerning the copyright and related rights subject matters shall be regulated by license contract. The terms of use for all the users of similar categories shall be the same. The organization shall not refuse to sign agreements with users without having reasonable grounds for that refusal.

(6) Organizers of public entertainments and other users of copyright and related rights subject matters shall not refuse to sign agreements with the organization without having reasonable grounds for that refusal. The users shall in advance acquire the authorization provided by this Law and shall submit the competent collecting society the list of all works used, all the documents necessary for the accurate calculation and distribution of royalties within 15 days after the use.

(7) The broadcasting organizations shall submit to the appropriate collective administration organization the list of broadcast works every month.

#### **Article 64. Functions of the Organization**

(1) The Organization shall implement the following functions:

- a) sign license contracts with users on use of works and subject matters of related rights;
- b) agree with the users on the amount of remuneration and other terms of the contract;
- c) agree with the users on the amount of remuneration for those cases established by this Law, when the Organization carries out the collection of remuneration without having signed license agreements (e.g. rental, the use of phonogram for commercial purposes, etc.);
- d) collect the remuneration provided for by paragraphs “b” and “c” of this Article for use of a work or subject matters of related rights, distribute and pay the remuneration to the holders of copyright or related rights presented by it;
- e) in case right holders wish so, deposit the work of the author or the subject matter of related rights and issues the relevant document on deposit;
- f) sign reciprocal protection agreements with similar foreign organizations;
- g) set aside commissions from the collected amount to cover the actual costs on collection, distribution and payment;
- h) in the case of simultaneous use of protected and non-protected works, pass the amount calculated out from the whole for the use of the non-protected works to the appropriate funds established by it, with the consent of the right holders presented by it and for their benefits;
- i) use the amount in case the author or the right holder of related rights is not found within the application prescription period established by the legislation for the benefit of other holders of copyright or related rights and the development of the organization;
- j) carry out other activities according to the authorization by the holders of copyright and related rights;
- k) implement any legal activity necessary for protection of rights exercised by it;
- l) in case right holders wish so, submit information on use of works or other subject matter of related rights.

(2) The Organization shall bear liability for non-execution or poor execution of its obligations in the order established by Law.

## **Chapter 5: Protection of Copyright and Related Rights**

### **Article 65. Actions Considered to be Infringement of Copyright and Related Rights**

(1) Any use of a work or its essential part or other subject matter of related rights protected by this Law is illegal, if such use is not obtained beforehand from the holder of copyright or related rights.

Substantial part of a work shall mean any part of a work, if any person familiar with the work can on his own identify as a part of that work.

(2) A person who does not implement the requirements of this Law shall be considered as an infringer of copyright or related rights.

(3) Copies of protected subject matters made or distributed without the consent of the right holder shall be considered false or counterfeited.

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 right holders of copyright and related rights, from countries, where the work, phonogram (or videogram) has never been protected or has ceased to be protected, shall also be considered counterfeited.

(4) Compilation of extracts, ideas from other works without creative adaptation and without mentioning of the source and appropriation of it or submission of the whole work by his name shall be considered to be plagiarism.

(5) Persons infringing copyright and related rights shall bear liability provided in the order established by Law.

### **Article 66. Protection of Copyright and Related Rights**

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

(2) The right holder of copyright or related rights while seeking protection of his rights, in the order established by court, may claim from the infringer:

- a) recognition of his rights;
- b) recovery of the situation existing before the infringement or prevention of actions containing apparent danger of an infringement;
- c) seizure or destruction of counterfeited copies, as well as the materials and equipment used for their production;
- d) compensation of damage (including the lost benefit) in the order established by law;
- e) compensation at the rate of double royalty or remuneration, which the right holder would receive if the infringer had the authorization for the use of copyright subject matter or compensation for damages equal to the damage caused by actual infringement, including the missed benefit;
- f) publication of a judgment in exercising mass media at the infringer's expense, to the extent and in such manner, as deemed appropriate by the court;

g) application of other remedies, for the protection of his rights, established by the legislation of the Republic of Armenia.

(3) The right holder of copyright or related rights enjoys the right to choose the remedies mentioned in subparagraphs c), d) and e) of paragraph (2) of this Article.

(4) The right holder of copyright or related rights may demand that persons, who are in any way connected with the infringement of rights protected by this Law (manufacturers, printers, importers, possessors of counterfeited copies or means with which the right was infringed), provide information about third persons who have participated in production and distribution of counterfeited copies, as well as about the sources of obtaining and distribution ways and submit documents in connection with the infringement, immediately upon demand.

The persons mentioned in this paragraph, who fail to give the required information or documents, are liable for damages that may be caused by their failure to comply.

(5) Counterfeited copies not demanded by the right holder of copyright or related rights, as well as the materials and equipment used for their production and reproduction may be destroyed according to the court decision.

#### **Article 67. Protection of Technological Measures**

(1) Any person who knowingly or having reasonable grounds to know circumvents any technological measure, designed for the protection of copyright and related rights, makes, imports, distributes, sells, rents out, advertises for rental or sale purposes, or possesses for commercial purposes devices, products or components or provides service, which:

a) are proposed, advertised or marketed for the purpose of circumvention of an effective technological measures;

b) have a significant purpose to circumvent any effective technological measures designed for the protection of copyright and related rights in the result of their use and (or) implementation;

c) are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of technological measures for the protection of copyright and related rights

shall bear liability equal to that established by Law for infringement of copyright and related rights.

(2) A technological measure for the protection of copyright and related rights shall mean any device or their components that in the normal course of their operation, are designed to prevent or restrict acts in respect of works or subject matters of related rights which are not authorized by holder of copyright or related rights.

(3) Technological measure shall be deemed effective, where the use of a protected work or other subject matter is controlled by the right holders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject matter or a copy control mechanism, which achieves the protection objective.

## **Article 68. Protection of Rights Management Information**

(1) Any person, who knowingly commits any of the following acts:

- a) removes or alters any electronic rights-management information on copyright and related rights without authorization;
  - b) distributes, imports for distribution, broadcasts, communicates or makes available to the public of a copyright work or subject matter of related rights, where electronic rights-management information has been removed or altered without authorization;
  - c) knows, or has reasonable grounds to know, that by so doing he is inducing, enabling, facilitating or concealing an infringement of any copyright or related rights
- shall bear liability equal to that established by Law for infringement of copyright and related rights.

(2) Rights-management information shall mean any information provided by right holders which identifies the work or subject matter of related rights, the author or the related rights holder or information about the terms and conditions of use of the work or subject matter of related rights and relevant numbers and codes that represent such information, when they are indicated on a copy of a work or subject matter of related rights or when they appear in connection with their communication to the public of a work or subject matter of related rights.

## **Article 69. Remedies for Ensuring Claims on Infringement of Copyright and Related Rights**

(1) The court may, in the order established by the Civil Procedure Code of the Republic of Armenia, take remedies for ensuring the claim based on the petition from the persons participating in the case, or at its own discretion, to freeze all alleged counterfeited copies of works, databases, phonograms or videograms, as well as the materials and device designed for making and reproduction thereof, prohibit particular actions.

(2) The court is entitled to prohibit the entry of counterfeited copies, including imported copies after customs clearance into the market, as well as to take remedies that the copies which have been recognized as counterfeited copies be taken out of the market at the expense of the infringer without compensation and without prejudice to the right holder or be destroyed.

(3) In case of the infringement of copyright and related 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 alleged counterfeited copies, as well as the materials and the devices intended for their creation and reproduction, and, if necessary, to confiscate and destroy them.

## **Chapter 6: Final Provisions**

### **Article 70. Validity of the Law**

(1) The provisions of this Law shall apply to the works of authors and performances of performers who are citizens of the Republic of Armenia irrespective of the place of the creation or making public of the work.

(2) The provisions of this Law shall apply to the works of authors and performances of

performers who are not citizens of the Republic of Armenia but their works or performances were first made public in the Republic of Armenia or if the author or performer has permanent residence in the Republic of Armenia.

The work is also considered to be published for the first time in the Republic of Armenia if within 30 days of having been published in another country, is published in the Republic of Armenia.

(3) The provisions of this Law shall apply also to phonograms the producers of which are citizens of the Republic of Armenia or have permanent residence in the Republic of Armenia. The provisions of paragraph (2) of this Article shall apply to the phonograms of foreign producers of phonograms.

(4) The provisions of paragraph (3) shall respectively apply to films, TV and radio programs, publication of works not made public before, as well as databases.

#### **Article 71. Rights of Foreigners**

Citizens or residents of other countries shall enjoy the same rights and have the same liabilities, 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.

#### **Article 72. Transitional Provisions**

(1) The copyright and related rights, which have been valid before the date of entry into force of this Law, shall continue their validity in accordance with the provisions and terms established by this Law.

(2) The provisions of this Law shall apply also to the subject matters of copyright and related rights in the Republic of Armenia, the term of validity of economic rights of which has expired according to the previous Law but the term of validity in the order established by Law has not expired at the moment of enactment of this Law.

(3) The provisions of paragraph (1) and (2) of this Article shall apply to the subject matters of copyright and related rights, which have been created, prepared, made available to the public, performed, published or broadcasted outside the Republic of Armenia, provided that the term of validity thereof has not expired according to the legislation of the country of origin, (notwithstanding the former activities) and that country is a party to any international treaty in the copyright and related rights field to which the Republic of Armenia is a party too, if similar protection is granted, according to an international treaty or the legislation of that country, to the subject matters of copyright and related rights, which have been created, published, prepared, made available to the public, performed or broadcasted in the Republic of Armenia.

(4) According to paragraph (2) of this Article, the copies of protected subject matters, which have been lawfully reproduced before the enactment of this Law may be distributed freely for two more years after enactment of this Law.

(5) The provisions of this Law shall apply also to the databases, which have been made no later than 15 years before enactment of this Law.

**Article 73. Entry Into Force of the Law**

(1) This Law shall enter into force on the tenth day following its official publication.

(2) The Republic of Armenia “Law on Copyright and Neighboring Rights” (December 8, 1999, AL-28) shall cease to be in force.

**THE PRESIDENT OF THE  
REPUBLIC OF ARMENIA**

Yerevan

04 July 2006.

AL-142

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