

Law on Copyright and Neighboring Rights

(of May 11, 1993)

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Section One Copyright

CHAPTER ONE GENERAL PROVISIONS

Definitions used in the Law

Article 1. The terms used in this Law have the following meanings:

Author is a natural person as a result of whose creative effort a specific work has been created, or a person who obtains copyright as provided for in this Law.

Audiovisual work is a work, which consists of a series of related images, which impart the impression of motion; with or without accompanying sounds, susceptible of being made visible and, where accompanied by sounds, susceptible of being made audible.

Producer of an audiovisual work or sound recording is a person who has undertaken responsibility for producing the work.

Making available a work means the act (also the publication) with the assistance of which a work is first made available to the public.

Computer is an electronic or other similar device that can process and store information.

Computer program is a set of instructions expressed in words, codes, symbols, or any other form, which the computer can read and which is capable of activating the computer to perform a given function or a specific assignment or to achieve a specific result.

Computer program adaptation is a program alteration which is suitable only for the user's technical equipment.

Design work is a work created by artistic drafting (artistic construction) or with a method of design—the exterior manifestation of an object of practical use with aesthetic value.

Fixation is the embodiment of sounds in any material form (by any means) with the assistance of which the sounds may at any time be made audible.

Photographic work is the recording of light or other radiation on any medium of preservation from which an image is formed or from which an image is transmitted (regardless of what method is used to produce the recording—chemical, electronic or other method).

A still, which is taken from an audiovisual work, is not considered to be a photographic work but is a part of the respective audiovisual work.

Sound recording is the result of a fixation of a series of musical, spoken or other sounds (excluding the sounds accompanying an audiovisual work) on magnetic tapes, disks or optical devices (regardless of the form—digital or analog).

Performer is an artist-performer, that is an actor, singer, musician, dancer, or other person, who publicly plays a role, sings, reads, declaims, plays a musical instrument or in some other way

performs literary or artistic works, concerts, circus or puppet acts, as well as a conductor, director or producer of an audiovisual work or sound recording.

License is the permission granted by the author or other copyright owner (licensor) to the user of a work (licensee) to use of the work under the terms and conditions agreed upon.

Work of applied art is a work of art that is used for practical purposes.

Publication means that copies of a work with the consent of the author have become available to the public with the condition that the number of copies must satisfy the reasonable demand of the public, taking into account the nature of the work.

Works are not considered published if:

- dramatic, dramatico-musical or audiovisual works are performed;
- sound works are performed;
- literary works are publicly read;
- works of literature or art are transmitted by wire or broadcast; or
- visual works of art are displayed (shown) or if architectural works are completed (built).

Public display means showing the original or a copy of a work either directly or on a screen by means of film, slides, television image or by means of other equipment or process, but in the case of audiovisual works, it means showing individual frames regardless of their sequence.

Public performance in the case of any work other than an audiovisual work, is the recitation, playing, dancing, acting or other performance of the work either directly or by means of any device or process. In the case of an audiovisual work, it is the showing of the images and in the case of a sound recording, making the sounds audible at a place or at places where persons outside the normal circle of a family and that family's closest social acquaintances are or can be present, at the same place and at the same time or at different places and times, and when the performance can be perceived without the need for any particular means of communication.

Broadcast means the communication of a work (including the showing or performance of the work) to the public by means of wireless transmission (radio or television, including by satellite).

Live broadcast is a direct broadcast transmitted by wire or by broadcast.

Reproduction is the making of one or more copies of a work or a sound recording in any material form, including any permanent or temporary storage of the work or sound recording in electronic form, as well as the preparation of one or more three-dimensional copies of a two-dimensional work and one or more two-dimensional copies of a three-dimensional work.

Reprographic reproduction means the making of a facsimile copy of the original or of a copy of a work by various means other than printing, for example, by photocopying.

The production of a facsimile by means of photocopying a work in enlarged or reduced size is also considered "reprographic reproduction."

Visual work of art is any art in the form of painting, sculpture, graphics applied, decorative or landscape art, as well as works of art in the mixed media, their sketches, drafts, composition casts, working models, mock-ups and other fixed works in the process of creation.

Sphere of application of copyright

Article 2. 1. Copyright to works that are communicated in the territory of the Republic of Latvia, or not communicated but found in the territory of the Republic of Latvia in any material form, belongs to the author and his heirs or other successors in interest.

2. Copyright to works that are simultaneously published in the territory of a foreign State and in the territory of the Republic of Latvia belongs to the author and his heirs or other successors in interest.

3. In accordance with [paragraph 2](#) of this Article, a work is regarded as simultaneously published in the territory of a foreign State and in the territory of the Republic of Latvia if it has been published in the territory of the Republic of Latvia within 30 days after its first publication in the territory of the foreign State.

4. Copyright is recognized as belonging to citizens of the Republic of Latvia as well as other persons who reside permanently in the territory of the Republic of Latvia as well as to their successors in interest, for works that have been communicated or introduced in some form in the territory of a foreign State. Other persons are accorded copyrights to works communicated or introduced in some material in the territory of a foreign State in accordance with international treaties of the Republic of Latvia.

CHAPTER TWO SUBJECT MATTER OF COPYRIGHT

General provisions

Article 3. 1. Copyright applies to scientific, literary and musical works, as well as to works of visual art, irrespective of the purpose or merit of the work or the mode of its expression.

2. Copyright applies to works, ideas and concepts made known in any form, whether published or unpublished.

3. The author, successors in interest, or other copyright owners may indicate their rights to a work by using a copyright protection mark which is placed in such a way and in such a place as to clearly indicate copyright protection. This mark consists of three elements:

- the letter C inside a circle;
- name (designation) of the owner of the copyright; and
- the year the work was first published.

4. Copyright has the nature of moral and economic rights, which give the author full and exclusive rights to use the work without any restrictions except those stated in this Law.

5. A statement concerning an audiovisual work, which is entered in an international register pursuant to an international agreement to which the Republic of Latvia is a party, is considered to be true until proven otherwise, except:

- (1) if the statement cannot be in effect in accordance with this Law or any other law that protects the property rights to audiovisual works in the Republic of Latvia; or

(2) if the statement is contrary to any other statement included in the international register.

Works to which copyright applies

Article 4. 1. Copyright protects scientific, literary, artistic, and musical original works in the fields of science, literature, music and visual art, regardless of their form of expression and format, and they include:

- (1) literary works (books, brochures, computer programs and other written works, speeches, lectures, addresses, announcements, sermons, and other works of a similar nature);
- (2) dramatic and dramatico-musical works, scenarios, scripts of audiovisual works;
- (3) choreographic works and pantomimes;
- (4) musical works with or without text;
- (5) audiovisual works (cinema, television, and video films, slideshows and other cinematic and television works);
- (6) drawings, paintings, sculptures, graphic art and other visual works of art;
- (7) works of applied art, decorative and scenographic art;
- (8) design works;
- (9) photographic works and works executed in a form similar to photographs;
- (10) sketches, plans and projects of buildings, structures and works of architecture, plans for implementing building and construction and other architectural designs, projects and plans for implementation of city-planning works, gardens and parks; and
- (11) geographic, geological and similar maps, plans, sketches, and plastic representations, which pertain to geography, topography, and other sciences.

2. Copyright belongs to the author from the moment of the work's creation. No registration, special documentation or observance of formalities is necessary to affirm copyright ownership and existence.

3. The name of the work, if it is original, is protected by this Law as part of the work.

Derivative works

Article 5. 1. The following works may be the subject matter of copyright without any loss of the author's rights to the original works:

- (1) translations and adaptations, redone works, annotations, synopses, summaries, reviews, musical arrangements;
- (2) collections of works, for instance, encyclopedias, anthologies and atlases, as well as data bases and other compilations, which by the selection and arrangement of the material have created a resulting work.

2. Derivative works are protected by copyright irrespective of whether the works on which they are based or which they include are the subject matter of copyright.

Works which are not protected by copyright

Article 6. The following works are not protected by copyright in accordance with this Law:

(1) legislation, administrative texts and court decrees (laws, court decisions, resolutions and other official documents), as well as official translations of these texts;

(2) State-approved, as well as internationally recognized official symbols and marks (flags, emblems, decorations, money, and the like), the use of which is governed by separate legislation;

(3) daily news and various facts which have the nature of simple informational data, as well as simple information concerning these current events or facts in the press, radio or television broadcasts, or other mass information media; and

(4) programming languages and algorithms not connected to programs used for the creation of computer programs.

CHAPTER THREE COPYRIGHT OWNERS

Copyright owners

Article 7. 1. The following persons can be copyright owners:

- (1) the author of a work;
- (2) the heirs of the author of a work; and
- (3) other successors in interest.

2. The author of a work, his heirs and other successors in interest may realize their rights in the work prescribed in this Chapter, directly or through intermediaries or representatives, including organizations which administer the economic rights of authors on a collective basis ([Article 50](#) of this Law).

Presumption of copyright

Article 8. 1. If not proven to the contrary, the person whose name or generally recognized pseudonym or signature is indicated in the usual way on repeated works or even on the work itself at the time it is published, is regarded as the author of the work.

2. If the work is published without any indication of authorship in the way indicated in [paragraph 1](#) of this Article, then the editor of the work if such is indicated, but in the remaining cases the publisher or a person authorized by the author, acts in the name and interest of the author. This provision applies until such time that the author's identity is revealed and the author claims authorship of the work.

Coauthorship

Article 9. 1. If a work has two or more authors, and the individual contribution of each of the authors in the creation of the work cannot be separated as an independent work, the copyright for the work belongs to all coauthors jointly.

2. If each author's individual contribution is an independent work, copyright to the individual contribution of each author as an independent work belongs to each author.

3. Protection against copyright infringement can be asserted by any coauthor, irrespective of the others.

4. If one of the authors refuses or is unable, for reasons beyond his control, to complete his part in the creation process of a visual work of art or an audiovisual work, then he cannot hinder the use of his prepared work for the completion of the visual work of art or audiovisual work. Such an author owns rights to such part including rights to receive the compensation due to him.

Copyright of compilers of collections and other composite works

Article 10. 1. Unless otherwise agreed between the compilers of collections and other composite works and the individual authors, the compilers, as a result of whose creative effort there is a selection and arrangement of the material, have copyright to the collection or other composite works as a whole, with the condition that the rights of each of the authors in each of their respective works included in the collection or other composite works are respected.

2. The authors of works included in collections and other composite works retain the copyright to their respective work and can use it independently of the collection or the composite work.

3. The copyright of the compiler does not prevent other persons from independently undertaking the same task and selection and arrangement of the material.

Copyright for audiovisual works

Article 11. 1. The following are recognized as authors of an audiovisual work:

(1) the director;

(2) the author of the scenario;

(3) the author of a musical work, with and without text, created especially for that audiovisual work;

(4) the cameraman; and

(5) the producer.

2. The authors of works that are part of an audiovisual work and which are created in the process of producing the work, retain the copyright to their respective works and can use them independently from the audiovisual work as a whole, unless otherwise agreed in the contract with the producer of the audiovisual work. Such works are used in the audiovisual production in accordance with the contract with each author. Authors of audiovisual works do not have the right to make changes in works which are used as parts of the audiovisual work, without the consent of the authors of those works.

Copyright for works created in the course of employment

Article 12. In the case of a work created by an author for a natural person or legal entity (hereinafter “employer”) under an employment contract and during his employment, the first owner of moral and economic rights is the author, unless otherwise provided by the contract, but the economic rights in such a work may be granted to the employer by the contract to the extent necessary to him at the time of the creation of the work.

CHAPTER FOUR RIGHTS OF THE AUTHOR

Moral and economic rights of the author

Article 13. 1. The author of a work shall, independently of his economic rights, and even where he is not the owner of the said rights, have the right:

(1) to be acknowledged as the author;

(2) to decide whether and when the work shall be disclosed to the public or published;

(3) to demand that the use of the work be terminated, compensating losses incurred by the user due to the termination of the use of the work, in accordance with the provisions of [paragraph 2 of Article 36](#) of this Law and of [Article 1589](#) of the Civil Law;

(4) to claim authorship of the work—the right that his name, as far as practicable, be indicated in an appropriate way on all copies, and in connection with any public act concerning his work, as well as to demand that his name be indicated on the copies, and in connection with every public act concerning his work, or that his pseudonym be so indicated, or anonymity;

(5) to demand the inviolability of the work—that it is the right to permit or prohibit any changes or supplements to his work or to its title; and

(6) to take measures against any mutilation, distortion or other modification of the work (also to terminate the contract without compensating losses), as well as against the infringement of rights in the work which could cause damage to the author’s honor or reputation.

2. None of the rights mentioned in [paragraph 1](#) of this Article shall be transferable to anyone else during the lifetime of the author.

Economic rights of the author

Article 14. 1. Except for the situations foreseen in this Law, the author of a work also has exclusive rights to use his work in any way, as well as to receive compensation for permission to use the work and for the use of the work.

2. Exclusive rights to use the work means the author’s right to realize or permit the following activities regarding his work:

(1) reproduction of the work;

(2) rental or public lending of the original or a copy of an audiovisual work, a sound recording, a computer program, a data base, or a musical work in graphic form, irrespective of the ownership rights to the original or the copy;

(3) importation of copies of the work, even where the imported copies were made with the permission of the owner of the copyright;

(4) public display of the original or a copy of a work by means of film, television, computer program or by any means or device other than the direct display of the original or the copy;

(5) performance of the work in public;

(6) making the work available to the public via broadcast and/or rebroadcast;

(7) making the work available to the public by means of cable, wire or other analogous means;

(8) translating the work; and

(9) transforming, arranging, or otherwise adapting the work.

3. The amount and procedures for calculating the compensation to the author are determined in the author's contract.

Transfer of copyright

Article 15. 1. Copyright is transferable by inheritance, except for the rights to an author's name and the inviolability of the work.

2. The author's heirs receive the rights to make the work available to the public, to use the work and to receive compensation for granting permission to use the work and for the use of the work. The author's heirs have the right to protect the inviolability of the work.

3. Only the rights referred to in [paragraphs 2](#) and [3 of Article 14](#) may be transferred to other successors in interest of the author, including legal persons.

4. Copyright is not connected to ownership rights in the material object in which the work is expressed. Copyright to a work which is expressed in a material object is differentiated from control of the object. The transfer of control of the material object, including copies of the work, in which the first fixation of the work is made, does not in and of itself result in the transfer of the copyright to the work. In the same way, the transfer of any exclusive rights comprising the copyright does not in and of itself result in the transfer of the ownership rights to the material object.

Relationship between copyright and ownership rights to works of fine art

Article 16. 1. The author retains copyright to a work of fine art, its sketches, composition casts, working models and photographic work, which have become the property of another person. The transfer of compensated or uncompensated ownership rights to a work of fine art from the author to another person means the first sale of this work. In the case of a further public sale of the work of fine art (through an auction, a fine art gallery, an art dealer, a store, or similar intermediary), the author has the right to receive five percent of the resale price. The aforementioned rights are inalienable and are transferable only to the author's heirs by law.

2. The collection, distribution, and payment of the sums which are due to authors in accordance with [paragraph 1](#) of this Article can be done by an organization which administers economic rights on a collective basis ([Article 50](#) of this Law).

3. If there is no contract which gives the owner of the work all the rights, then the author has the right to request from the owner of the work an opportunity to exercise his right to the reproduction of his work. The owner of the work cannot be required to deliver the work to the author.

CHAPTER FIVE LIMITATIONS ON THE AUTHOR'S ECONOMIC RIGHTS

Reproduction of a work for personal use

Article 17. 1. Without the consent of the author and without paying compensation to the author, it is permitted to reproduce another person's published or made available work only for personal use, observing the requirements of [Article 27](#) as well as of [paragraph 2](#) of this Article, on the condition that such reproduction does not do unjustified damage to normal use of the work and does not unreasonably infringe on the lawful interests of the author.

2. Public lending of published works is permitted without the authorization of the author or copyright owner.

3. [Paragraph 1](#) of this Article is not applicable to:

(1) reproduction of architectural works in the form of buildings and analogous structures;

(2) works of fine art of restricted edition;

(3) reproduction of data bases or substantial parts thereof;

(4) reproduction of computer programs with the exception of cases mentioned in [Article 25](#) of this Law.

3. The provisions of [paragraph 1](#) of this Article are not applicable to legal persons.

Use of a work for informational purposes

Article 18. Without the consent of the author and without paying compensation to the author, except as required in [Article 14](#) of this Law, as long as the use of the work does not result in unjustified damage to normal use of the work, and does not unreasonably infringe the legal interests of the author, on the obligatory condition that the name of the author and source from which the work is taken be displayed, it is permitted:

(1) to reproduce in quoted form, including newspaper and magazine articles in the form of a press review, for scientific, research, polemical, critical and informational purposes, published or made available works to the extent required by the purpose of the quotation;

(2) to reproduce in newspapers, by broadcast, or communication by cable to the public, articles on current economic, political, social, and religious affairs which have been published in newspapers or journals or works of the same nature which have been broadcast in those instances where the right to such reproduction, broadcast, and communication by wire has not been specifically prohibited by the author;

(3) to reproduce in newspapers, by broadcast, or communication to the public by wire, publicly given political speeches, addresses, announcements, and other analogous works to

the extent justified by the informational purpose, with the author retaining the rights to publish collections of such works; and

(4) to make available or reproduce an account of real events with the assistance of photography, to broadcast or transmit by wire works which have become visible or audible during the course of the event to an extent that justifies the purpose for information.

Use of a work for educational purposes

Article 19. 1. Observing the condition that the reproduction of the work does not cause unjustifiable damage to the normal use of the work and does not unreasonably infringe on the lawful interests of the author, the following is permitted, without the author's or copyright owner's authorization:

(1) the reproduction of a short part of a published work by way of illustration in writings or sound or visual recordings for teaching purposes, provided that such reproduction is compatible with fair practice and that its extent does not exceed the extent justified by the purpose;

(2) the reprographic reproduction, for face-to-face teaching in nonprofit educational institutions, of a published article or other short work or short extract of a writing, with or without illustrations, provided that the act of reproduction is an isolated one, occurring, if repeated, on separate and unrelated occasions, and there is no collective license available under which such reproduction can be made.

2. On any copy made under [paragraph 1](#) of this Article, its source and the name of the author shall be indicated, as far as practically possible.

3. It is permitted to reproduce works in braille or other special editions for the blind, without profit, except for works created especially for reproduction by such means.

Reproduction of works by libraries and archives

Article 20. Observing the condition that the reproduction of the work does not cause unjustifiable damage to the normal use of the work and does not unreasonably infringe on the lawful interests of the author, it is permitted, without the author's or copyright owner's authorization for any library or archive, whose activities do not serve direct or indirect profit-making, to make a single copy of a work by reprographic reproduction means:

(1) where the work reproduced is a published article or other short work or short extract of a writing, with or without illustrations, and where the purpose of the reproduction is to satisfy the request of a natural person, anticipating that the copy will be used solely for the purpose of study, scholarship or research, and the act of reproduction is an isolated case, occurring, if repeated, on separate and unrelated occasions;

(2) where the making of such a copy is in order to preserve a particularly valuable work or to replace a copy of such a work, if it is lost, destroyed or rendered unusable, with another copy, or to replace in the permanent collection of another library or archive a copy which has been lost, destroyed or rendered unusable and it is impossible to obtain such a copy in other reasonable ways and the reproduction is an isolated case, occurring, if repeated, on separate and unrelated occasions.

Free use for judicial purposes

Article 21. It is permitted, without the consent of the author and without payment of compensation to the author, to reproduce a work for judicial purposes to the extent justified by this purpose.

Free use of works permanently exhibited in public places

Article 22. It is permitted, without the consent of the author and without paying compensation to the author, to reproduce, broadcast, or communicate to the public by wire, an architectural work, a photographic work, a work of fine art, a design work, and a work of applied art, which is permanently located in a freely accessible place, with the exception of cases where the image of the work is the main subject for further reproduction, broadcast, or communication to the public by wire, or where the image of the work is used for commercial purposes.

Free public performance

Article 23. Public performance of musical works is permitted without the consent of the author and without paying compensation to the author:

(1) during official and religious ceremonies to the extent justified by the nature of the ceremony;

(2) at educational institutions, in the course of educational activities, in which teachers and students participate, provided that the audience is composed of the teachers and students and persons directly connected with the educational institution (parents, guardians, tutors).

Free use of ephemeral recordings by broadcasting organizations

Article 24. 1. A broadcasting organization may, without the author's consent and without payment of additional compensation to the author, make ephemeral recordings of works for which this organization has obtained broadcasting rights, on the condition that such recording is done by the broadcasting organization with its own resources and for its own broadcasts.

2. The organization is obligated to destroy such recordings within six months after the recording was made, unless a longer period has been agreed upon with the author of the recorded work. However, such a recording may be preserved, without the consent of the author of the work, in official archives on the basis of its peculiar documentary or historic nature.

Free reproduction and adaptation of computer programs

Article 25. 1. A person who has lawful rights to a computer program may, without the consent of the author and without payment of additional compensation, make or permit to be made one copy or one adaptation of the computer program on condition that such copy or adaptation:

(1) is necessary for the use of the computer program in conjunction with the computer itself and will be used solely for the purpose for which the computer program has been obtained;

(2) is intended solely for archival purposes for the replacement of the lawfully owned copy of the computer program in the event that the lawfully obtained copy of the computer program is lost, destroyed, or otherwise rendered unusable.

2. The copy or adaptation of the computer program that is referred to in [paragraph 1](#) of this Article must be destroyed if the lawful rights to this computer program are terminated.

Free resale of a copy of a work

Article 26. It is permitted, without the consent of the author and without payment of additional compensation, to resell or transfer in another manner the right of ownership of a copy of a work after the initial sale or other transfer of the right of ownership of that copy, except in the cases referred to in [Article 16, paragraph 1](#).

Use of a work without the authorization of the author, but upon payment of compensation

Article 27. 1. It is permitted for natural persons to reproduce an audiovisual work or the sound recording of a work solely for personal use (including use for scientific and research purposes), without the consent of the author, but upon payment of compensation to the author.

2. Just compensation for the reproduction specified in [paragraph 1](#) of this Article shall be paid by the manufacturers or importers of equipment (audio and video tape recorders, and the like) and of recording media (sound and/or video tapes and cassettes, laser discs, compact discs, and the like) used for such reproduction.

3. The determination of the amount of just compensation and the procedures for its collection and payment are done by a tariff commission formed by the Government, which is composed of a representative designated by the Government or its authorized institution (the chair of the commission) and which according to the ratio 2:1:1 includes authors, producers and consumers or representatives of their authorized organizations. Such organizations are determined by the Government.

4. The commission has authority to obtain full information from customs and statistical organizations and the Republic of Latvia Enterprise Registry concerning the manufacture or importation of the products mentioned in [paragraph 2](#) of this Article.

5. The compensation referred to in [paragraph 3](#) of this Article is accumulated in an account specified by the Government and this compensation is divided among authorized producer organizations taking into account that each reproduction is for personal use of the work.

6. Compensation for reproduction is not collected if natural or legal persons use the recording media to provide recordings for the use of sight and hearing impaired individuals. A list of such persons is certified by the Government.

7. Just compensation is not paid in those cases, if the equipment and recording media specified in [paragraph 2](#) of this Article are exported or are utilized professionally (such as professional equipment and recording media and dictaphone and cassettes which are used for dictaphones).

CHAPTER SIX DURATION OF COPYRIGHT

General provisions

Article 28. 1. Copyright shall remain in force throughout the author's life and for 50 years after the author's death, except for cases specified in [Articles 29](#) and [30](#) of this Law.

2. The author's moral rights cannot be inherited.

3. The author is entitled, in accordance with the same procedures whereby the executor of a will is appointed, to designate a person to whom he will grant the rights of authorship, his name and the inviolability of his works after his death. This person shall exercise his power of attorney until the end of his life. In the absence of such a designation, copyright after the author's death is realized by his heirs. If there are no heirs or if the copyright has expired, then the protection is realized by organizations authorized to do so.

Duration of copyright for works made available after the author's death

Article 29. Copyright for a work made available after the death of its author shall remain in force for 50 years after the date it was lawfully made available.

Duration of copyright for particular types of works

Article 30. 1. Copyright in an audiovisual work shall remain in force for a period of 50 years from the time it was lawfully made available or 50 years after its creation if it was not made available.

2. Copyright in a work made available anonymously or under a pseudonym shall remain in force for a period of 50 years from the moment it was lawfully made available. If within the aforementioned period the author of a work made available anonymously or under a pseudonym reveals his identity, or if his identity can no longer be doubted, then [paragraph 1 of Article 28](#) of this Law shall apply.

3. Copyright in a work created by coauthors shall remain in force throughout the lifetime of all of the authors and for 50 years after the death of the last surviving coauthor.

4. The duration of copyright for those authors' works which were completely prohibited or restricted from use in Latvia from June 1940 until May 1990, is extended by the number of years the work has been prohibited or restricted. The fact of prohibition or restriction shall be determined by a court.

Calculation of the term of copyright

Article 31. The term of copyright provided for in this Chapter begins at the moment of the creation of rights (the legal fact) and ends on December 31 of the year in which the terms referenced in [Articles 28](#), [29](#) and [30](#) expire.

Works in which copyright has expired

Article 32. 1. Works in which copyright has expired may be used freely by any person; however, the rights of authorship, the rights to a name, and the rights of inviolability of the work must be observed in accordance with the provisions of [Article 13](#) of this Law.

2. No compensation shall be paid to the author for the use of such works.

CHAPTER SEVEN USE OF WORKS

Rights to use periodicals and other publications

Article 33. 1. Legal persons, which publish encyclopedias, encyclopedical dictionaries, atlases, periodical collections of scientific works, newspapers, magazines and other periodical publications shall have the right to use such publications as a whole, unless otherwise agreed in the contract with the authors who have made a creative investment in the formation of such publications.

2. The authors of works included in such publications retain the copyright to their respective works and can use it independently of the publication as a whole.

3. Except for the provisions of [Article 36](#) of this Law, the rights of legal persons which have been granted under [paragraph 1](#) of this Article, terminate 25 years after such publication or its formation, if it was not published.

Licenses to use a work

Article 34. 1. If it is not otherwise stated in the license, a license does not grant rights to transform the work. There may be exclusive and ordinary licenses.

2. An ordinary license grants the licensee (user) rights to perform simple actions permitted to him simultaneously with the author or other persons who have received corresponding licenses.

3. An exclusive license grants rights to perform permitted actions only to the licensee (user) and is in effect only if it is in writing and has been signed by both parties.

Author's contract

Article 35. 1. An author's contract, consistent with the requirements of Civil Law of the Republic of Latvia, governs specific ways of using the work (that is, the specific rights granted in accordance with this contract), the conditions of use, the amount of compensation (or the procedure for determining the amount of compensation) for each way of using the work, and the procedures and deadlines for payment. Disputes concerning these issues are resolved in court.

2. If in the author's contract the amount of compensation is not stated, a court may determine the amount at its own discretion.

3. An author's contract may provide for the grant of a license for the use of a work in one or more ways specified in the contract, also with the right to fully or partially transfer the license to a third party (sublicense). If there is no such provision in the contract, the license is restricted to those actions which derive from the contract and are necessary for accomplishing the goals of the contract.

4. The following types of contracts must be concluded in writing:

(1) exclusive license contracts;

(2) publication contracts;

(3) contracts with organizations which administer economic rights on a collective basis;

(4) contracts with a producer to create an audiovisual work; and

(5) other contracts on which the parties must mutually agree.

The time period of an author's contract

Article 36. 1. The time period for which a license is given is determined by mutual agreement of the parties.

2. If the license granted by a contract does not have a restricted time period, the author may terminate the contract at any time, upon giving written notice to the other party six months before termination of the contract.

3. It is not permitted to include provisions in the author's contract by which the author's declines the rights granted him in [paragraph 2](#) of this Article.

The territory in which a license granted under an author's contract is effective

Article 37. 1. The author's contract must specify the territory in which the license granted is effective.

2. If the contract does not specify the territory in which the license granted under the contract is effective, it pertains to the country in which the contract was executed.

Author's contract for a commissioned work

Article 38. 1. Under an author's contract for a commissioned work, the author is obligated to create a work according to the requirements of the contract and to give it to the commissioning party for use in the time period and according to the procedures specified in the contract.

2. The author is obligated to personally prepare the commissioned work. The addition or substitution of coauthors may occur only with written consent from the commissioning party and upon making amendments in the contract. The author's failure to meet the obligation to personally prepare the work, provides grounds for the commissioning party to cancel the contract.

Section Two Neighboring Rights

Owners of neighboring rights

Article 39. 1. The owners of the rights addressed in this Section are performers, producers of sound recordings, broadcasting organizations, and organizations that communicate to the public by wire or their successors in interest or heirs.

2. Producers of sound recordings, broadcasting organizations, and organizations that communicate to the public by wire exercise their rights within the limits of those rights obtained under a contract with the performer and author of the work recorded in a sound recording or transmitted by broadcast or by wire. In addition to permission, which is obtained from the director of a production for the use of the production, it is also necessary to obtain permission from other performers, who take part in the production, as well as from the author of the production.

3. Performers exercise the rights specified in this Section upon condition that the rights of the authors of the works be observed.

4. For the rights specified in this Section to arise and be exercised, it is not necessary to observe any formalities. The producer of a sound recording and the performers, in order to give notice of their rights, use a mark consisting of the letter P in a circle, and the year of the first publication of the sound recording. This mark is placed on all copies of the sound recording or on the jackets containing them in a way that gives clear notice of protection.

5. Performers, producers of sound recordings and other owners of rights provided for in this Section exercise their rights directly, through intermediaries or through agents, including organizations that administer economic rights on a collective basis.

Rights of performers

Article 40. 1. Performers have the following exclusive rights concerning the works of art created in their performances or productions (also concerning works created through mixed technical methods):

(1) to acknowledgment of their name;

(2) to protection from distortion or any change or any other alteration in a performance or production that may cause damage to the honor and reputation of the performer;

(3) to permit or prohibit the live broadcast, broadcast or transmission by wire or by other means of making a performance or production known to the public, except in cases, when the performance or production to be broadcast live, transmitted by wire or made known to the public by other means has been previously broadcast live, transmitted by wire, or lawfully fixed;

(4) to permit or prohibit the fixation of a previously unfixed performance or production;

(5) to permit or prohibit the reproduction of fixations of their performances or productions, in instances when:

- an initial fixation was made without the permission of the performer;
- a fixation is reproduced for purposes other than those for which the performer granted permission;
- a reproduction is made for purposes other than those for which a fixation was made in accordance with the provisions of [Article 45](#) of this Law;

(6) to permit or prohibit the live broadcast, transmission by wire or other means of making known a fixation of a performance or production, except for instances when the fixation was initially made for noncommercial purposes;

(7) to permit or prohibit presentation to the public of a performance or production through leasing or rental of published sound recordings. When a contract is signed for the fixation of a performance or production, these rights pass to the producer of the sound recording; however, the performer retains the right to the compensation owed him for the rental and leasing of such sound recordings and the copies thereof.

2. The collection, allocation, and payment of the aforementioned compensation shall be done in accordance with [paragraph 2 of Article 43](#) of this Law.

3. The performer shall be paid compensation for granting permission to use a performance or production and for its use in the cases specified in [subsections \(3\), \(4\), \(5\), \(6\) and \(7\) of paragraph 1](#) of this Article.

4. The compensation indicated in [subsections \(3\), \(4\), \(5\), \(6\) and \(7\) of paragraph 1](#) of this Article must definitely be paid to the performer or his authorized representative on the basis of a signed contract.

Performers' contracts

Article 41. The provisions concerning authors' contracts stated in [paragraph 2 of Article 35](#) apply also to performers' contracts.

Contracts with a performer for the creation of an audiovisual work

Article 42. 1. The execution of a contract between a performer and a producer of an audiovisual work for the creation of an audiovisual work governs the performer's grant of rights to fixation, reproduction, and communication of his performances to the public, in accordance with [subsections \(3\), \(4\) and \(5\), of paragraph 1 of Article 40](#) of this Law. Such rights for use of the audiovisual work limit the rights granted to the performer, and, if not otherwise specified in the contract, do not include rights to separate use of the sound and images fixed in the audiovisual work.

2. The contract for the creation of an audiovisual work must provide compensation to the performer for each way of use of such work.

The rights of producers of sound recordings

Article 43. 1. Producers of sound recordings have the exclusive rights concerning their sound recordings, with the exception of published sound recordings, to permit or prohibit direct or indirect reproduction, distribution and live broadcast, broadcast or transmission by wire of the sound recordings and copies thereof, and also to receive compensation for granting permission to use the sound recordings and their copies and for their use. The rights of distribution include the right to leasing, rental and importation of the sound recordings and copies thereof.

2. In addition to the rights referred to in [paragraph 1](#) of this Article, producers of sound recordings shall have the following rights:

(1) to permit or prohibit the importation of lawfully made copies of sound recordings and copies thereof; and

(2) to permit or prohibit the distribution of the copies of sound recordings, for which permission to make or import was not obtained.

3. Producers of sound recordings continue to exercise their exclusive rights to the rental and leasing of their sound recordings and copies thereof, regardless of the rights of the owner of the copy of the sound recording.

4. The collection, allocation and payment of the compensation for leasing and rental of sound recordings and copies thereof, shall be done by organizations that administer the rights of performers and of producers of sound recordings on a collective basis ([Article 51](#) of this Law). The amount of compensation to be paid by the user pursuant to this Article shall be allocated between the producers of the sound recording and the performers in equal shares, if the contract between them does not specify otherwise.

Compensation for the use of sound recordings published for commercial purposes

Article 44. 1. If a sound recording published for commercial purposes, or reproduced copies of such a sound recording are used directly for the live broadcast, broadcast or transmission by wire, the user is obligated to pay just compensation to the performers and the producer of the sound recording.

2. The amount of the compensation indicated in [paragraph 1](#) of this Article is set by special agreement between the performers, the producer of the sound recording or organizations that represent the professional (creative) interests of the performers and producers of sound recordings and the users of the sound recordings and copies thereof or societies (associations) of such users. These agreements must anticipate compensation for each way that a sound recording and copies thereof are used, procedures for collection and allocation.

Rights of broadcasting organizations

Article 45. 1. Broadcasting organizations have the following exclusive rights with respect to their broadcasts:

- (1) to permit or prohibit rebroadcasts or live broadcasts by wire;
- (2) to permit or prohibit fixation;
- (3) to permit or prohibit reproduction of fixations of their broadcasts in cases in which:
 - (a) a fixation has been made without their permission;
 - (b) a reproduction is made for purposes other than those for which a fixation was made according to the provisions of [Article 47](#) of this Law;
- (4) to permit or prohibit the communication to the public of radio and television broadcasts, if they occur for paid admission in places accessible to a large group of people.

2. Compensation must be paid to the broadcasting organizations for permission to use broadcasts and for the use of broadcasts in the cases indicated in [paragraph 1](#) of this Article.

Rights of organizations that transmit by wire

Article 46. 1. Organizations that broadcast by wire have the following exclusive rights:

- (1) to permit or prohibit retransmissions by wire and live broadcasts;
- (2) to permit or prohibit fixation;
- (3) to permit or prohibit the reproduction of fixations of their transmissions by wire in cases in which:
 - (a) the fixation was made without their permission;
 - (b) a reproduction is made for purposes other than those for which the fixation was made according to the provisions of [Article 47](#) of this Law; and
- (4) to permit or prohibit the communication to the public of radio and television transmissions, if they occur for paid admission in places accessible to a large group of people.

2. Compensation must be paid to the organizations that transmit by wire for permission to use transmissions and for their use in the cases indicated in [paragraph 1](#) of this Article.

Limitations on rights of performers and producers of sound recordings, broadcasting organizations and organizations that transmit by wire

Article 47. 1. The use of a performance, production, broadcast, transmission by wire, and fixation thereof, and also the reproduction of sound recordings is permitted without the consent of the performers, producers of sound recordings, broadcasting organizations, or organizations that transmit by wire, and without the payment of compensation:

(1) for personal purposes;

(2) for inclusion in a survey of current events of short excerpts of a performance, production, sound recording, broadcast, or transmission by wire;

(3) for purposes of teaching or scientific research;

(4) for citation in the form of small excerpts of a performance, production, sound recording, broadcast or transmission by wire upon condition that such citation is for informational purposes. Moreover, broadcasting organizations and organizations that transmit by wire may use copies of sound recordings published for commercial purposes, for any live broadcast or transmission by wire, observing the provisions of [Article 44](#) of this Law;

(5) in other cases, which are specified by the provisions of [Section One, Chapter 5](#), of this Law with respect to limitations on the economic rights of authors of scientific, literary, musical and artistic works.

2. The provisions of [Articles 40](#), [43](#), [45](#) and [46](#) of this Law are not applied with respect to obtaining the permission of performers, producers of sound recordings and broadcasting organizations for the making of ephemeral recordings of performances, productions, or transmissions, for the reproduction of such fixations, and for the reproduction of sound recordings published for commercial purposes, if the ephemeral fixation or the reproduction is made by a broadcasting organization with its own means and for its own transmissions, on the following conditions:

(1) that the broadcasting organization obtain permission in advance for broadcasting the same production, performance, or transmission with respect to which the ephemeral fixation or the reproduction of such fixation is made in accordance with the provisions of this paragraph; and

(2) that the fixation be destroyed within the time period that applies to short-term use of literary, scientific and artistic works by broadcasting organizations in accordance with the provisions of [Article 24](#) of this Law, except for a single copy, which may be retained in the official archives on the basis of its particular documentary nature.

3. The limitations specified in this Article are used in such a way that they do not prejudice the normal use of sound recordings, performances, productions, broadcasts and fixations thereof, and also literary, scientific and artistic works included therein, and without the abridgment of the lawful interests of the performers, producers of sound recordings, broadcasting organizations and authors of the above-mentioned works.

Effective period of neighboring rights

Article 48. 1. The rights specified in this Section with respect to performers are effective for 50 years after the first performance or production. The rights of performers provided for by [Article 40](#), [subsections \(1\) and \(2\) of paragraph 1](#) of this Law remain in force for an unlimited time.

2. The rights provided for by this Section with respect to producers of sound recordings are effective for 50 years after the first sound recording is released.

3. The rights provided for by this Section with respect to broadcasting organizations are effective for 50 years after the first broadcast by that organization.

4. The rights provided for by this Section with respect to organizations that transmit by wire are effective for 50 years after the first transmission by wire by that organization.

5. The time period for the rights anticipated by the previous paragraphs of this Article begins with the moment of creation of rights (the legal fact) and ends on December 31 of the year in which the terms referenced in this Article expire.

Scope of neighboring rights

Article 49. 1. The rights of performers are recognized in accordance with this Section in cases where:

(1) the performer is a citizen of the Republic of Latvia;

(2) the performance or production took place in the territory of the Republic of Latvia;

(3) the performance or production is fixed in a sound recording that is protected on the basis of the provisions of [paragraph 2](#) of this Article; or

(4) a performance or production not fixed in a sound recording is included in a broadcast or transmission by wire that is protected on the basis of the provisions of [paragraph 3](#) of this Article.

2. The rights of a producer of sound recordings are recognized in accordance with this Section in cases where:

(1) the producer of the sound recording is a citizen of the Republic of Latvia;

(2) the first fixation of sounds took place in the territory of the Republic of Latvia; or

(3) the sound recording was first published in the territory of the Republic of Latvia.

3. The rights of broadcasting organizations and organizations that transmit by wire are recognized in accordance with this Section in the case where the broadcasting organization or organization that transmits by wire has its official place of business in the territory of the Republic of Latvia.

4. The rights specified in this Section are recognized as to foreign natural and legal persons who have made the first performance, production, fixation of sounds, broadcast, transmission by wire outside the territory of the Republic of Latvia in accordance with the international agreements of the Republic of Latvia.

Section Three

Collective Administration of Economic Rights

General provisions

Article 50. To protect the economic rights of authors, performers, producers of sound recordings, and other owners of neighboring rights in the Republic of Latvia in cases where the above-mentioned rights in practice cannot be protected on an individual basis, or their implementation is difficult, organizations that administer the economic rights of the specified persons on a collective basis may be formed. Such organizations shall be formed by authors, performers, producers of sound recordings and other owners of neighboring rights in the Republic of Latvia and operate within the limits of the power of attorney obtained from the authors and other owners of neighboring rights.

Organizations that administer economic rights on a collective basis

Article 51. 1. In accordance with this Law, the activity of the organizations that administer economic rights on a collective basis is not considered to be a monopoly, and is not subject to the limitations set forth in the antimonopoly legislative acts.

2. Powers of attorney for the collective administration of economic rights are obtained from the respective owners of copyrights, performers and other owners of neighboring rights on the basis of written agreements (contracts).

3. Foreign authors and owners of neighboring rights in the Republic of Latvia are represented by organizations in the Republic of Latvia that administer economic rights on a collective basis, pursuant to authorization agreements with foreign authors and owners of neighboring rights or their authorized organizations.

4. Organizations that administer the economic rights of owners of copyrights and neighboring rights on a collective basis are the representatives regarding the rights of these owners and their legal interests with respect to all matters within the scope of their activity.

5. Licenses (permits) granted by organizations to users of copyrights and neighboring rights are comprehensive i.e., they permit the use, performance, production, sound recording, broadcast and transmission by wire of all works. In granting such licenses, the organizations represent all the owners of copyrights and neighboring rights whom such licenses affect. All possible economic claims of owners of copyrights and neighboring rights against users, which derive from or are connected with the use of comprehensive licenses, must be handled by the organizations granting such licenses.

6. The organizations have the right to leave in reserve in their bank accounts any unclaimed and unclarified compensation sums collected from users. After the expiration of a three-year term from the date they were received in the organization's account, they may be included in the regular payments of distributed sums or used for other purposes in the interests of the owners of copyrights and neighboring rights represented.

Functions of organizations that administer economic rights on a collective basis

Article 52. Organizations that administer economic rights on a collective basis must perform the following functions:

(1) conduct negotiations with users concerning the amount of compensation and other conditions based on which licenses are granted;

(2) grant licenses to users for the use of the rights administered by such organizations;

(3) conduct negotiations with users concerning the amount of just compensation in those cases where these organizations collect such compensation ([Article 16, paragraph 2](#); [Article 27](#); [Article 28, paragraph 2](#); [Article 43, paragraph 2](#));

(4) collect the compensation anticipated in the licenses and/or just compensation;

(5) allocate and pay the compensation collected in accordance with [subsection \(4\)](#) of this Article and/or just compensation to the owners of copyrights and neighboring rights;

(6) engage in other activity under the powers of attorney from owners of copyrights and neighboring rights.

Obligations of organizations that administer economic rights on a collective basis

Article 53. 1. The organizations that administer economic rights on a collective basis act in the interests of the owners of copyrights and neighboring rights represented by such organizations. The organizations must fulfill the following obligations;

(1) in addition to the payment of the compensation, to provide the owners of copyrights and neighboring rights with an accounting containing information about the use of their works, performances, etc.; and

(2) to allocate the collected sums of the compensation, after the deductions specified in [paragraph 2](#) of this Article are made, among the owners of copyrights and neighboring rights represented by such organizations in proportion to their usable works, performances, etc., and to make regular payments of the specified sums.

2. It is forbidden to use the compensation collected in accordance with the provisions of [Article 52, subsection \(4\)](#) of this Law for purposes other than to cover actual expenses in its collection, allocation, and payment; from the compensation collected, sums may also be deducted for special funds established by these organizations with the consent of and in the interests of the owners of copyrights and neighboring rights represented by them.

3. The owners of copyrights and neighboring rights who have not granted powers of attorney to the organizations for the collection of the compensation anticipated in [Article 51, paragraph 5](#) of this Law, have the right to request that the organizations pay them the compensation owed to them in accordance with the allocation of compensation by the organizations, as well as exclude their works, performances, etc., from the licenses granted to users by these organizations.

Section Four

Infringement of Copyright and Neighboring Rights. Protection of the Rights of Authors, Performers, Producers of Sound Recordings, Broadcasting Organizations, and Organizations That Transmit by Wire

Infringement of copyright and neighboring rights. Pirated copies of works or sound recordings

Article 54. 1. A natural or legal person who does not fulfill the requirements of this Law concerning the exclusive rights of owners of copyrights and/or neighboring rights, including

importing into the Republic of Latvia (except imports for personal purposes) copies of works or sound recordings which were made without permission from the owners of the respective rights, is a violator of copyrights and/or neighboring rights.

2. Pirated copies are copies of works or sound recordings, the making or distribution of which entails violation of copyrights and/or neighboring rights.

3. Pirated copies, in accordance with this Law, are also copies of works or sound recordings protected in the Republic of Latvia, which are imported into the Republic of Latvia from countries in which these works or sound recordings were not protected or where the term of protection has expired.

Protection of rights of authors, performers, producers of sound recordings, broadcasting organizations, and organizations that transmit by wire

Article 55. 1. An author, performer, producer of a sound recording, broadcasting organization, organization that transmits by wire and other owners of copyrights and neighboring rights have the right to require from a violator:

(1) recognition of rights;

(2) restoration of the situation that existed prior to the violation of the right, and cessation of the actions that violate the right or threaten to violate it;

(3) reimbursement for losses, including the income received by the violator;

(4) instead of reimbursement for losses to receive compensation pursuant to a court order; and

(5) taking other measures anticipated by legislative acts and the Civil Law of the Republic of Latvia, which are connected with the protection of their rights.

2. For the protection of their rights, the owners of copyrights and neighboring rights may turn to court, commercial court, or arbitration in accordance with procedures set by legislative acts.

3. A court may order the confiscation or destruction of the pirated copies of a work or sound recording. Upon the request of the plaintiff, the materials and equipment used for the reproduction of the work or recording shall be returned to him in order to reimburse losses, or shall be transferred for use for charitable purposes, or the sums equal to their value shall be transferred to the budget of the Republic of Latvia.

4. When rights are violated which are administered in accordance with [Section Three](#) of this Law, an organization that administers economic rights on a collective basis makes the claims on behalf of the owners of copyrights and neighboring rights concerning the protection of the violated rights.

Forfeiture of illegal copies of works and sound recordings

Article 56. Copies of works and sound recordings, which are made, reproduced, distributed, sold, imported or in any other way used or provided for use in violation of the rights of authors and producers of sound recordings can be forfeited.

Responsibility for violations of copyright and neighboring rights



Article 57. Depending on the nature and consequences of the violation of copyright and/or neighboring rights, the violator may be charged with civil, administrative or criminal responsibility pursuant to legislation in effect in the Republic of Latvia.

Section Five

International Agreements

Article 58. If an international agreement which has been entered into by the Republic of Latvia includes provisions which are different from the norms in the Law, the provisions of the international agreement prevail.