



## ***LAW OF UKRAINE***

### **On Copyright and Related Rights**

This Law regulates the relations regarding the acquisition, exercise and protection of personal non-property and property copyright and/or related rights, as well as sui generis rights related to the field of copyright and/or related rights.

#### **Section I. GENERAL PROVISIONS**

##### **Article 1. Terms and definitions**

In this Law, the terms shall have the following meanings:

- 1) author – a natural person who created a work through their creative activity;
- 2) audiovisual work – a work consisting of a sequence of episodes or frames with or without sound, connected to each other by a holistic creative idea, accessible for perception via relevant technical means on a certain type of screen (cinema, television screen, etc.) where such a sequence of frames forms a moving image;
- 3) audio description – creation of a separate audio track with an off-screen description of a character, object, surroundings or action in a video production for people who, due to visual impairment, cannot perceive visual information;
- 4) database (data compilation) is a collection of works, data or any other information in any form, maintained in a systematized form or in a certain order, which can be accessed using a special search engine and/or by electronic means (computer) or other means;
- 5) website is a collection of data, electronic (digital) information, in particular, objects of copyright and/or related rights, etc., interconnected and structured within the website address and/or account of the owner of such a website, which are accessed via an Internet address, which may consist of a domain name, directory or call records, and/or an Internet Protocol numeric address;
- 6) web page is a component of a website located at a special address on the Internet;
- 7) performer is a natural person (an actor, a singer, a musician, a dancer, a conductor of musical and musical-dramatic works or another natural person) who plays a role, reads, recites, sings, plays a musical instrument, dances, interprets, or in any other way performs musical, dramatic, literary, choreographic, other similar works, folklore or other artistic images;
- 8) performance is the result of individual or collective activity in the artistic presentation of musical, dramatic, literary, choreographic or similar works, folklore or other artistic images;
- 9) production of videograms includes video recording, modification (editing) of video recordings, arrangement and modification of video recordings with or without accompanying sound;
- 10) phonogram production includes sound recording, modification (editing) of sound recordings, arrangement and modification of sound recordings;

11) producer of a videogram is a natural and/or legal person who takes the initiative and is responsible for the production of a videogram;

12) producer of a phonogram is a natural and/or legal person who takes the initiative and is responsible for the production of a phonogram;

13) videogram is a produced (final) video recording of a performance or other images (with or without accompanying sound), except for a video recording used as part of an audiovisual work;

14) reproduction is direct or indirect making of one or more copies of an object of copyright and/or related rights (or part thereof) by any means and in any form, including for temporary or permanent storage in electronic (digital), optical or other form that can be read by a computer, as well as the creation of a three-dimensional work from a two-dimensional work and vice versa, and the creation of a three-dimensional work based on a set of instructions that can be read by a computer to produce a three-dimensional work;

15) website owner is a person who owns an account and establishes the procedure and terms of using the website. In the absence of evidence to the contrary, the registrant of the respective domain name used to access the website and/or the recipient of hosting services shall be deemed the website owner;

16) owner of a web page is a person who owns an account used to place a web page on a website and who manages and/or places electronic (digital) information within such a web page. The owner of a website is not the owner of a web page if the owner of the web page owns an account that allows them to post and manage information on the web page independently of the website owner;

17) hyperlink is a record of the website address, or its part (web page, data) formalized in accordance with the Internet standards. If the hyperlink addresses a part of the website (web page) other than the domain and/or numerical address according to the Internet protocol, it may contain additional records of directories or calls and conditions of access to the web page that can be reproduced or stored on devices that can read and reproduce electronic (digital) information using the Internet;

18) the state system of legal protection of copyright and related rights is the central executive body that ensures the formation and implementation of state policy in the field of intellectual property, the National Intellectual Property Authority and other state enterprises, institutions, and organizations performing functions related to the protection of copyright and related rights;

19) bringing to the public's attention means distribution of copyright and/or related rights objects by means of public performance, public display, public exhibition, public announcement, interactive access, or cable retransmission;

20) lawful user of the database is a person who lawfully owns a copy of the database that was made lawfully;

21) lawful user of a computer program is a person who lawfully owns a copy of a computer program that was made lawfully;

22) recording is the result of fixing sounds or sound reflections (sound recording) or images (video recording) or images with sound (video sound recording) in an objective (material or electronic (digital), etc.) form using technical devices, which allows for their perception, reproduction, transmission, etc. with the help of appropriate devices;

23) author's name is a set of words or signs that identify the author: author's surname and first name; author's surname, first name and patronymic name; author's initials; author's pseudonym; a sign (a set of signs) adopted by the author, etc.;

24) name of the performer is a set of words or signs that identify the performer: the performer's surname and name; the performer's surname, name and patronymic name; the performer's initials; the performer's pseudonym; a sign (a set of signs) adopted by the performer, etc.;

25) interactive provision of access is sharing the object of copyright and/or related rights with the public with or without the use of cable, including on the Internet or other interactive networks, including placing hyperlinks and placing digital content from another website on one website without reproducing it (framing) in such a way that members of the public can access the relevant object from a place and at a time chosen by them individually;

26) computer program is a set of instructions in the form of words, numbers, codes, diagrams, symbols or in any other form, expressed in a form suitable for reading by a computer (desktop computer, laptop, smartphone, game console, smart TV, etc.), which activate it to achieve a certain goal or result, in particular, an operating system, application program expressed in source or object code;

27) copy is an object of copyright and/or related rights reproduced in any objective form. A copy of a work made in any material form is considered a copy of the work;

28) broadcasting is a set of programs and other information united by a single creative concept that is broadcast by a radio or television broadcaster according to a program schedule;

29) music video is an audiovisual work that embodies a visual interpretation of a musical work with or without text, the soundtrack of which contains a recording of the performance of the said musical work;

30) National Intellectual Property Authority (hereinafter referred to as NIPA) is a state organization that is a part of the state system of intellectual property legal protection, which exercises powers in the field of intellectual property defined by this Law, other laws of Ukraine in the field of intellectual property, acts of the Cabinet of Ministers of Ukraine, the central executive body that ensures the formation and implementation of the state policy in the field of intellectual property, and the statute, and has the right to represent Ukraine in international and regional organizations.

31) account is a record on computer equipment (computers, servers) connected to the Internet that is formalized in accordance with the Internet standards and identifies the user (for example, the owner of the website) on such equipment, contains data related to the access to a part of the directories and the computer program, computer equipment, and also defines the rights of such access, which allow the account holder to add, delete, or change digital content and data of the website, provide access to the website or its part, or individual data to other persons, terminate the operation of such website or part thereof within the account;

32) making public (disclosure to the public) is any action that for the first time makes a work or object of related rights available to an unlimited number of persons;

33) publication is distribution of a work, phonogram, videogram by any means of distribution or bringing to the public's attention. The deposit of a manuscript of a work, phonogram, videogram shall also be deemed as publication;

34) broadcasting organization is a person who selects radio or television programs and provides them for simultaneous mass and individual reception by users on the basis of the program schedule created by him/her;

35) originality of a work is a feature (criterion) that characterizes a work as the result of the author's own intellectual creative activity and reflects the creative decisions made by the author during the work's creation;

36) a person with limited ability to perceive printed information is a natural person who has visual or visual perception disorders or reading disabilities, whose visual function or reading ability cannot be restored in such a way as to read printed works on an equal basis with persons without such disabilities, as well as an individual who, due to physical disorders or mental disorders, cannot hold a book in his/her hands or use a book or focus his/her eyes or move his/her eyes to the extent necessary for reading;

37) pirated copy of a work, phonogram, or videogram means a copy of a work, phonogram, videogram reproduced and/or distributed in violation of copyright and/or related rights;

38) loan means providing a copy of a work, phonogram, or videogram for use (including in a specified manner) for a fixed term, provided that such actions have no independent economic value;

39) private copying is reproduction for personal purposes of a person or for family members of such a person or close acquaintances of such a family of works and performances recorded in phonograms, videograms, provided that such actions do not have independent economic value;

40) broadcasting organization's program is a set of programs (television and radio broadcasts), other works and/or objects of related rights united by a single creative concept, which has a permanent name and is broadcast by a radio or television broadcaster according to a certain broadcasting network;

41) producer of an audiovisual work is a person who organizes or organizes and finances the creation, production and publication of an audiovisual work;

42) rental is providing a copy of a work, phonogram, videogram for use (including in a specified manner) for a fixed term for the purpose of obtaining direct or indirect commercial benefit;

43) pseudonym is a fictitious name consisting of a combination of words, signs, or symbols chosen by the author (co-authors) or performer (co-performers) to identify themselves as the author (co-authors) or performer (co-performers), respectively;

44) public includes individuals who are not related to each other by belonging to a family or close acquaintances;

45) public performance means presentation of works, performances, phonograms, programs of broadcasting organizations by any means directly (in live performance) or by means of any devices and processes (except for broadcasting or cable transmission) in places where members of the public are present or may be present, regardless of whether they are present in one place and at one time or in different places and at different times;

46) public demonstration is a single or multiple presentation of an audiovisual work or videogram to the public;

47) public announcement means broadcasting of copyright and/or related rights objects by wireless means or via cable network or satellite, etc. for the public to hear;

48) public performance shall mean any demonstration of an original or a copy of a work, performance, phonogram, videogram, broadcasting program directly or on the screen by means of film, slide, television frame, etc. (except for broadcasting or cable transmission) or by means of other devices or processes in places where members of the public are present or may be present, regardless of whether they are present in one place and at one time or in different places and at different times. Public performance of an audiovisual work or videogram shall also mean demonstration of individual frames of an audiovisual work or videogram without observing their sequence;

49) reprographic reproduction (reproduction) means a facsimile reproduction in any size (including enlarged or reduced) of the original or another copy of a written, photographic, graphic work, painting, drawing, etc. by photocopying or other similar means. Reprographic reproduction shall not include recording of a work in electronic (digital), optical or other computer-readable form or in the course of publishing activities;

50) distribution is any action by means of which originals or other copies of copyright and/or related rights objects are directly or indirectly offered to the public by means of, among other things, the first sale or other first alienation of copies of copyright and/or related rights;

51) orphan work, orphan object of related rights means a work, phonogram, videogram (including a part of an audiovisual work or other phonogram, videogram), recorded performance published in Ukraine, in respect of which none of the property rights holders has been identified by a

thorough search, and in case of identification of such a holder (including objects published anonymously or under a pseudonym), their location has not been established;

52) official videogram is a videogram produced by an employee in connection with the performance of their duties under an employment agreement (contract);

53) official phonogram is a phonogram produced by an employee in connection with the performance of their duties under an employment agreement (contract);

54) official performance means performance carried out by an employee in connection with the performance of their duties under an employment agreement (contract);

55) work for hire is a work created by an employee in connection with the performance of their duties under an employment agreement (contract);

56) work means an original intellectual creation of the author (co-authors) in the field of science, literature, art, etc. expressed in an objective form;

57) work of architecture is a work in the field of construction of buildings, urban planning, landscape art, landscape formations in the form of drawings, sketches, models, constructed buildings or structures, plans of settlements, etc.;

58) work of fine art is a sculpture, painting, drawing, engraving, lithography, work of artistic design (including stage design, font design), etc.;

59) a work of applied (decorative and applied) art means a work of artistic craft embodied or transferred to an object for use for applied purposes, created by hand or by industrial means, including works of decorative weaving, ceramics, carving, casting, art glass, artistic forged products, jewelry, etc.;

60) technological means of protection means any technology, computer program, equipment or component that in its normal functioning is intended to prevent or counteract actions in relation to objects, the use of which is not authorized by the copyright or related rights holders or sui generis rights holders;

61) institution means a central executive body that ensures the formation and implementation of state policy in the field of intellectual property;

62) phonogram is a produced (final) sound recording of performance or other sounds or sound reflections, except for the sound recording used as part of an audiovisual work;

63) photographic work is a work statically reflected (recorded) with the use of analog or digital photographic technologies on a material medium or in electronic (digital) form or with the use of laser technologies in the form of a three-dimensional image;

64) quotation is a fragment (excerpt) from a lawfully published work, recorded performance, lawfully published phonogram or videogram, which is used with obligatory reference to its author and/or performer, phonogram producer, videogram producer and source of quotation by another person in order to make his/her own statements clearer or to refer to the expression of another person in the unchanged (authentic) form or in the translation of such fragment (excerpt);

65) digital content (electronic (digital) information) means any information or data in electronic (digital) form containing copyright and/or related rights objects and may be stored and/or distributed in the form of one or more files (parts of files), database records on computer storage devices, servers, etc. on the Internet.

## **Article 2. Legal regulation of relations in the field of copyright and related rights**

1. The legislation of Ukraine on copyright and related rights is based on the [Constitution of Ukraine](#) and consists of the [Civil Code of Ukraine](#), this Law, other laws of Ukraine, as well as bylaws and regulations adopted on their basis related to the protection of copyright and related rights.

2. The current international treaties of Ukraine in the field of copyright and/or related rights, consent to the binding nature of which was given by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine on copyright and related rights

### **Article 3. Scope**

1. This Law shall apply to the regulation of relations regarding the use of:

1) works and objects of related rights, regardless of the place where they were made public (or if the said objects are not made public but are located on the territory of Ukraine in an objective form), copyright and/or related rights holders in respect of which are individuals who are citizens of Ukraine or non-citizens of Ukraine but they permanently reside on the territory of Ukraine, or legal entities located on the territory of Ukraine;

2) works and objects of related rights made public on the territory of Ukraine or made public outside Ukraine, but then published on the territory of Ukraine within 30 days;

3) programs of broadcasting organizations located on the territory of Ukraine and distributed by means of transmitters located on the territory of Ukraine;

4) works of architecture and fine arts, the originals of which are located on the territory of Ukraine;

5) works and objects of related rights protected in accordance with international treaties of Ukraine;

6) non-original objects generated by a computer program referred to in [Article 33](#) of this Law.

2. Provisions of this Law are aimed at protection and defense of personal non-property rights and property rights of:

1) copyright holders referred to in [Article 5](#) of this Law and related rights holders referred to in [part two](#) of Article 35 of this Law who are citizens of Ukraine or non-citizens of Ukraine but who permanently reside on the territory of Ukraine (legal entities shall be located on the territory of Ukraine), regardless of the territory where their works or objects of related rights were made public;

2) copyright holders referred to in [Article 5](#) of this Law and related rights holders referred to in [part two](#) of Article 35 of this Law, regardless of their citizenship and permanent residence (for legal entities - regardless of their location), whose works or objects of related rights have been made public on the territory of Ukraine or have not been made public, but are located on the territory of Ukraine in an objective form;

3) copyright holders referred to in [Article 5](#) of this Law and related rights holders referred to in [part two](#) of Article 35 of this Law, regardless of their citizenship and permanent residence, whose works or objects of related rights were made public in another country and within 30 days thereafter were published in Ukraine;

4) other persons whose copyright and/or related rights are protected in accordance with international treaties of Ukraine;

5) holders of the sui generis right to a non-original object generated by a computer program, specified in [Article 33](#) of this Law.

3. Copyright and/or related rights holders, irrespective of their citizenship, whose works or objects of related rights have been made public on the territory of another state or have not been made public, but are located on the territory of another state in an objective form, shall be granted legal protection in accordance with international treaties of Ukraine.

4. In accordance with international agreements or on the basis of the reciprocity principle, foreigners and stateless persons shall have the same rights as citizens of Ukraine as provided for by this Law.

**Article 4.** Powers of the central executive body responsible for the formation and implementation of the state policy in the field of intellectual property. Powers of the National Intellectual Property Authority in the Field of Copyright and/or Related Rights Protection

1. The central executive body that ensures the formation and implementation of the state policy in the field of intellectual property shall exercise its powers within the limits determined by law and perform the following functions:

- 1) analyze the application of and compliance with national legislation and international treaties in the field of copyright and/or related rights;
- 2) monitor compliance with the requirements of this Law;
- 3) in cases stipulated by law, develop recommendations on the amount of remuneration for the use of copyright and/or related rights, make proposals on the amount of deductions in cases stipulated by law;
- 4) draft legislation in the field of copyright and/or related rights;
- 5) represent the interests of Ukraine in matters of copyright and/or related rights protection in international organizations in accordance with the law;
- 6) exercise other powers in accordance with the law.

The activities of the Institution are financed from the state budget.

2. The functions of the NIPA shall be performed by a legal entity of public law (state organization) established by the central executive body responsible for the formation and implementation of the state policy in the field of intellectual property and determined by the Cabinet of Ministers of Ukraine.

3. The powers delegated to the NIPA include:

- 1) acceptance and consideration of applications for state registration of authors' rights to works of science, literature and art in an electronic and/or paper format, as well as for the registration of agreements concerning authors' rights to works in an electronic and/or paper format, and registration of such agreements in an electronic and/or paper format;
- 2) maintaining the State Register of Certificates of Copyright Registration for a Work in an electronic format;
- 3) maintaining the State Register of Contracts concerning the author's right to a work in an electronic format;
- 4) issuing certificates of copyright registration for a work in an electronic and/or paper format;
- 5) making publication in the official electronic bulletin on the protection of copyright and related rights;
- 6) international cooperation in the field of intellectual property rights protection and representing Ukraine's interests in the field of copyright and related rights protection in the World Intellectual Property Organization and other international organizations in accordance with the law;
- 7) informing and providing explanations on the implementation of the state policy in the field of copyright and related rights protection.

4. 4. The NIPA also carries out the following activities:

- 1) information and publishing activities in the field of legal protection of intellectual property;
- 2) providing methodological assistance to collective management organizations and monitoring their activities;

3) summarizing the national and international practice of applying legislation in the field of copyright and related rights protection, making proposals to improve the legislation in this field and submitting such proposals to the central executive body responsible for the formation and implementation of the state policy in the field of intellectual property;

4) organizing and carrying out training, retraining and advanced training of the personnel of the state system of intellectual property rights protection;

5) other functions and powers provided for by this Law, other laws and regulations of Ukraine, and the statute.

The NIPA has the right to receive free of charge information, documents and materials necessary to exercise its powers and carry out its functions from ministries, other central and local executive authorities, and local self-government bodies.

5. The NIPA shall act on the basis of this Law, other laws of Ukraine, acts of the central executive body responsible for the formation and implementation of the state policy in the field of intellectual property, and the statute approved by the central executive body responsible for shaping and implementing the state policy in the field of intellectual property.

6. To ensure that the NIPA exercises its delegated powers, the head of the NIPA is authorized to sign legal documents.

7. To prepare recommendations on issues within the competence of the NIPA, the body conducts research, engages experts and consultants.

8. The NIPA is chaired by a head who is appointed and dismissed by the central executive body that ensures the formation and implementation of the state policy in the field of intellectual property.

A citizen of Ukraine who has been residing in Ukraine for the last five years, speaks the state language in accordance with the level determined by the National Commission on State Language Standards, speaks one of the official languages of the World Intellectual Property Organization (WIPO), has a complete higher legal education and/or education in the field of intellectual property, has at least 10 years of experience in the field of intellectual property and at least five years of experience in managerial positions may become the head of the NIPA.

A person who, in accordance with a court decision, is deprived of the right to carry out activities related to the performance of state functions or to hold relevant positions, or a person who has been subjected to an administrative penalty for corruption or a corruption-related offense within three years from the date the relevant court decision enters into force, cannot be the head of the NIPA.

The head of the NIPA is appointed based on an open competition held by the central executive body that ensures the formation and implementation of the state policy in the field of intellectual property, in accordance with the established procedure for competitive selection of heads of public sector economic entities.

The head of the NIPA has one first deputy and two deputies who are appointed by the central executive body that ensures the formation and implementation of the state policy in the field of intellectual property upon the proposal of the NIPA head.

9. The supervisory board serves as the NIPA supervisory body and includes the following members:

two representatives of the Verkhovna Rada of Ukraine;

two representatives of the central executive body responsible for the formation and implementation of state policy in the field of intellectual property;

one representative of the central executive body responsible for the formation of state policy in the fields of science and education;



one representative of public organizations of intellectual property representatives (patent attorneys);

one representative of the National Academy of Legal Sciences of Ukraine.

The supervisory board may include two representatives of international and/or regional organizations in the field of intellectual property with the right to vote in an advisory capacity.

The personnel of the supervisory board is approved by the central executive body that ensures the formation and implementation of state policy in the field of intellectual property.

Members of the supervisory board perform their duties on a voluntary basis.

The chair of the supervisory board and their deputies are elected by the members of the supervisory board from among them. The chair of the supervisory board may not be a representative of the central executive body that ensures the formation and implementation of the state policy in the field of intellectual property.

The supervisory board is authorized to oversee the financial and economic activities of the NIPA, the implementation of the budget, and the use of funds generated from the proceeds of fees for actions related to the protection of intellectual property rights.

The supervisory board has the right to:

request and receive any information from the NIPA, except for restricted information;

hear reports of the NIPA head on the fulfillment by the NIPA of its powers, on financial and economic activities, execution of the budget, use of funds generated from the proceeds of fees for actions related to the protection of intellectual property rights, as well as plans for the NIPA's activities;

provide recommendations to the NIPA that are mandatory for consideration;

notify the central executive body responsible for the formation and implementation of state policy in the field of intellectual property of any violations.

The term of office of the supervisory board members, except for the chair, is two years and may be extended for no more than one term. In the event of expiration of the NIPA supervisory board member's term of office, the relevant body or organization that delegated him or her shall, within one month, delegate a new representative to the supervisory board or decide to extend the term of office of the current member of the supervisory board.

The powers of a member of the supervisory board may be terminated early upon the proposal of the body that delegated him or her. The powers of a member of the supervisory board shall also be terminated at the initiative of the supervisory board in the event of

submitting a voluntary resignation;

inability to perform his/her duties, including for health reasons;

termination of relations with the delegating authority;

entry into force of a court verdict against him/her;

death or on the basis of a court decision declaring him/her incapacitated, partially incapacitated, missing or declaring him/her dead;

imposition of an administrative penalty for corruption or a corruption-related offense.

The body that delegated a member of the supervisory board whose powers were terminated early must delegate a new representative to the supervisory board within one month from the date of early termination of the previous representative's powers.

The supervisory board shall act in accordance with this Law and the Regulation on the Supervisory Board approved by the central executive body responsible for the formation and implementation of the state policy in the field of intellectual property.

The form of work of the supervisory board is a meeting, the results of which are drawn up in the form of minutes, a copy of which is sent to the NIPA and the central executive body that ensures the formation and implementation of state policy in the field of intellectual property. A meeting of the supervisory board shall be deemed competent if a simple majority of its members are present.

The NIPA provides the premises as well as organizational and material support for the activities of the supervisory board.

10. The NIPA annually publishes financial statements on its official website, including annual financial statements, auditor's reports on the annual financial statements, a report on its activities, including the implementation of the budget, and the budget for the next year.

The financial or consolidated financial statements of the NIPA are subject to an audit, which is conducted by the decision of the central executive body that ensures the formation and implementation of state policy in the field of intellectual property.

11. The NIPA shall not aim at making a profit from its activities. The financing of the NIPA activities shall be carried out at the expense of the proceeds from the collection of fees for actions related to the protection of intellectual property rights, as well as from other sources not prohibited by law.

The NIPA procures goods, works and services in accordance with the procedures set forth in the [Law of Ukraine "On Public Procurement"](#).

12. A qualified electronic signature may be used on documents accepted or approved by the NIPA in accordance with this Law. Submission of documents in an electronic format to the NIPA and issuance of documents in an electronic format by it shall be carried out in accordance with the requirements of the legislation in the field of electronic documents and electronic document flow, electronic trust services, this Law and the rules established by the central executive body responsible for the formation of the state policy in the field of intellectual property.

## **Section II. COPYRIGHT**

### **Article 5. Copyright and copyright holders**

1. Copyright consists of personal non-property rights of the author and property rights of copyright holders.

2. The primary copyright holder is the author of a work. Other individuals or legal entities to whom the economic rights to a work have been transferred on the basis of a transaction or law may also include economic copyright holders.

### **Article 6. Objects of Copyright**

1. The objects of copyright are works in the field of literature, art, and science, in particular:

1) literary works of fiction, works of journalistic, scientific, technical or other nature (books, brochures, articles, etc.) in a written, electronic (digital) or other format;

2) talks, lectures, speeches, sermons and other oral works;

3) musical works with and without lyrics;

4) dramatic, musical-dramatic works, pantomimes, music and light shows, circus performances, choreographic and other works created for stage performance, and their production;

5) theatrical performances, stage adaptations of works referred to in [clause 1](#) of this part, and adaptations of intangible cultural heritage suitable for stage performance;

- 6) audiovisual works;
- 7) texts of translations for dubbing (including dubbing), subtitling audiovisual works in other languages;
- 8) works of fine art;
- 9) photographic works;
- 10) works of applied art, including works of decorative weaving, ceramics, carving, foundry, art glass, artistic forging, jewelry, etc.;
- 11) works of architecture, urban planning, landscape art and landscape formations;
- 12) works of artistic design;
- 13) derivative works;
- 14) collections of works, collections of intangible cultural heritage adaptations, encyclopedias and anthologies, collections of normal data, other composite works, provided that they are the result of creative activity in selecting or organizing the content;
- 15) illustrations, maps, plans, drawings, sketches, plastic works related to geography, geology, topography, engineering, construction and other fields;
- 16) computer programs;
- 17) databases (compilations of data) if they are the result of intellectual activity in terms of selection or arrangement of their components;
- 18) other works.

#### **Article 7. Protection of copyright objects**

1. Protection extends only to the form of expression of copyrighted works. All original works - published and unpublished, completed and unfinished, regardless of their purpose, genre, scope, and method of expression - are subject to protection.
2. A part of a work that can be used independently, in particular the original title of the work, the original character of the work, if used separately from the work as a part of which it was created, shall be considered a work and protected in accordance with this Law.
3. Protection does not extend to the technologies of creation and expression of a work, ideas, theories, principles, methods, procedures, processes, systems, methods, concepts, discoveries, even if they are expressed, described, explained, illustrated in the work.

#### **Article 8. Objects not protected by copyright**

1. The following objects are not protected by copyright:
  - 1) reports on news or other facts that have the character of ordinary press information;
  - 2) expression of folk art (folklore);
  - 3) acts of state authorities, local self-government bodies, official political, legislative, administrative and judicial documents (laws, decrees, resolutions, decisions, state standards, etc.), as well as their drafts and official translations;
  - 4) state symbols, state awards; state signs, emblems, symbols and signs of state authorities, the Armed Forces of Ukraine and other military formations of Ukraine approved by state authorities; symbols of territorial communities of Ukraine approved by the relevant local self-government bodies;
  - 5) banknotes;

6) vehicle schedules, TV and radio program schedules, telephone directories and other similar databases that do not meet the criteria of originality and are subject to sui generis rights;

7) abbreviations;

8) photographs that have no signs of originality (are not photographic works).

2. Before their official approval, the designs of official symbols and signs referred to in [paragraphs 4](#) and [5](#) of part one of this Article shall be considered as works of fine art, the rights to which shall be protected in accordance with this Law.

3. Databases that are not original shall be protected by sui generis rights in accordance with parts [four](#) through [six](#) of Article 21 of this Law.

4. Non-original objects generated by a computer program (programs) shall be protected by sui generis rights in accordance with [Article 33](#) of this Law.

**Article 9.** Origin and exercise of copyright. Presumption of authorship

1. Copyright in a work arises from the fact of its creation.

A work is considered to be created from the moment it is initially given any objective form (written, tangible, electronic (digital), etc.).

2. In the absence of evidence to the contrary, the author of a work is deemed to be an individual whose name as author is indicated in the original or a copy of the work (presumption of authorship).

3. No registration of copyright or any other special registration, or fulfillment of any other formalities, is required for the emergence and exercise of copyright.

The copyright holder may use the copyright protection mark consisting of the Latin letter "C" circled by ©, next to which the name of the copyright holder and the year of the first publication of the work are indicated.

4. If a work is published anonymously or under a pseudonym (unless the pseudonym clearly identifies the author), the publisher of the work (his/her name or title shall be indicated in the copies of the work) shall be deemed to be the author's representative and shall be entitled to exercise the author's property rights until the author of such work declares his/her authorship.

5. In order to certify his/her personal non-property rights and/or economic rights to a work (published or unpublished), the fact and date of its publication, and the acquisition of economic rights to a work on the basis of a contract or law, a copyright holder may register his/her copyright to the work in the relevant state register. Each of the parties to a contract on economic rights in a work shall have the right to register the contract in the relevant state register.

The state registration of copyright and contracts on property rights to a work is carried out by the NIPA in accordance with the procedure approved by the Institution.

Fees shall be paid for the NIPA's preparation for state registration of copyright and agreements relating to property rights to a work. The amounts of the fees shall be determined by the Cabinet of Ministers of Ukraine. The said fees shall be credited to the budgets in accordance with the procedure established by the [Budget Code of Ukraine](#).

A certificate of registration of copyright to a work shall be issued by the NIPA. The NIPA shall make a decision on registration of an agreement concerning property rights to a work.

6. A person who owns a tangible object in which a work is embodied (fixed) shall not have the right to prevent a person who owns economic rights to a work from state registration of copyright.

**Article 10.** Copyright and ownership of a material, electronic (digital) object in which a work is embodied (fixed)

1. Copyright and ownership of a material, electronic (digital) object in which a work is embodied (fixed) are independent of each other. The alienation of a material, electronic (digital) object in which a work is embodied (fixed) shall not mean the transfer (alienation) of economic rights to the work and vice versa.

2. The owner of a tangible object embodying an original work of fine art shall not be allowed to destroy this object without first offering it to the author of the work for a price not exceeding the cost of materials used for its creation. If it is impossible to preserve the object in which the original work is embodied, the owner of the material object in which the original work is expressed must allow the author to make a copy of the work in the appropriate form.

3. The author shall have the right to demand from the owner of the material object in which the original work of fine art is embodied, access to his/her work for the purpose of its reproduction (photographing, making copies of the work, alterations, etc.), provided that this does not violate the legal rights and interests of the owner of this object.

4. The owner of a tangible object embodying an original work of fine art shall not have the right to deny the author access to the work without sufficient grounds. At the same time, the owner of a material object shall not be obliged to deliver it to the author.

**Article 11.** Personal non-property rights of the author

1. The author's personal non-property rights include:

1) the right to demand recognition of his/her authorship by indicating the author's name in the original and copies of the work and for any use of the work, if practicable;

2) the right to prohibit the mention of his/her name in any use of the work if the author wishes to remain anonymous;

3) the right to choose a pseudonym, to indicate and require the indication of a pseudonym instead of the author's real name in the original and copies of the work and in any use of the work;

4) the right to demand the preservation of the integrity of the work, to oppose any perversion, distortion or other alteration of the work, including accompanying the work with illustrations, prefaces, afterword, comments, etc. without the author's consent;

5) the right to name the work or leave it untitled;

6) the right to dedicate the work to a person (persons), event or date.

Personal non-property rights belong only to the author and cannot be transferred (alienated) to other persons and cannot be inherited.

**Article 12.** Intellectual property rights to a work

1. The copyright holder has the right to use the work in any way (ways), as well as the exclusive right to authorize or prohibit the use of the work by other persons.

The ways to use the work include:

1) reproduction;

2) inclusion in a composite work;

3) inclusion in another work other than a composite work;

4) distribution of copies of the work;

5) import of copies of a work;

6) renting or lending copies of a work;

7) public performance, public display, public demonstration, public announcement, interactive provision of access to the public and other means of bringing it to the public's attention;

8) translation;

9) processing, adaptation, arrangement and other similar changes to a work.

This list is not exhaustive.

2. The economic rights to a work envisaged by [part one](#) of this Article may be transferred (alienated) to another person on the basis of a law or a transaction in full (for all uses of a work in the territory of all states of the world) or in part (for certain uses of a work in the territory of all states of the world, or for certain uses of a work in the territory of certain states of the world, or for all uses of a work in the territory of certain states of the world).

A person to whom the economic rights to a work have been transferred in whole or in part is a copyright holder within the scope of the acquired rights.

The copyright holder has the right to grant permission to use a work or dispose of the property rights to a work in any other way that does not contradict the law.

3. Regardless of the alienation of the economic rights to a work specified in [part one](#) of this Article, the author shall have the right to a fair remuneration for the respective uses of the work, as defined by this Law and the [Law of Ukraine](#) "On the Effective Management of Economic Rights of Copyright and (or) Related Rights Holders."

The right to a fair remuneration belongs only to the author, passes only to the author's heirs and cannot be transferred (alienated) to other persons.

4. The economic rights to a work included in another work shall not be restricted in connection with the creation and/or use of such other work.

5. If copies of a work are legally introduced into civil circulation by their first sale in Ukraine, further alienation of these copies without the consent of the copyright holder and without payment of remuneration (exhaustion of rights) is allowed, except for the original works of art, further alienation of which shall be subject to payment of remuneration for the right of following in accordance with [Article 30](#) of this Law. The provisions of this Part shall not apply to interactive provision of access to the public to a work.

6. If the author, when making a recording of a performance, grants, in accordance with the contract, permission to a phonogram producer or a videogram producer to reproduce copies of the phonogram or videogram, it shall be deemed, unless otherwise specified in the contract, that the author grants the phonogram producer or videogram producer the exclusive right to rent copies of the work's recording. At the same time, the author shall retain the right to receive a fair remuneration for the rental of the work's recording.

7. Placement of a hyperlink (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing, if such actions relate to a work that was previously lawfully placed without access restrictions on the website (web page) to which the hyperlink and/or framing directs, so that members of the public could access this object from the place and at the time chosen by them individually, shall not constitute use of the work. If a work has been previously lawfully placed with access restrictions on a website (web page) to which the hyperlink and/or framing directs, and the hyperlink and/or framing allows circumventing such access restrictions, the actions of placing such hyperlinks (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or playbacks) and/or framing shall constitute use of the work by way of interactive provision of access. Placement of a hyperlink (including hyperlinks in the form of a set of hyperlinks in a single file (playlists and/or viewing lists) and/or framing, if such actions relate to a work previously unlawfully posted on a website (web page), to which the hyperlink and/or framing directs, provided that such hyperlink and/or framing is placed with the purpose of profit and/or with the

awareness of the illegal nature of the actions on placing the hyperlink and/or framing, shall be recognized as the use of the work by means of interactive provision of access.

### **Article 13. Co-authorship**

1. The authors whose joint creative activity resulted in the creation of a work (work created in collaboration) shall be considered co-authors.

2. If the work created in co-authorship constitutes an inseparable whole and unless otherwise stipulated by the agreement or this Law:

1) the property rights provided for in [part one](#) of Article 12 of this Law shall be jointly owned by all co-authors and shall be exercised by agreement between them;

2) none of the co-authors has the right to refuse to grant permission to the other co-authors to publish or to revise such a work without sufficient grounds.

3. If a work created in co-authorship consists of parts, each of which may be used independently of other parts of the work, and unless otherwise stipulated by the agreement or this Law, each co-author shall have the right to exercise economic rights in respect of the part of the work created by him/her in accordance with [Article 47](#) of this Law, provided that such actions do not prejudice the normal use of such work and do not unreasonably restrict the legitimate interests of the respective copyright holders.

4. In the event of infringement of copyright to a work created in collaboration, each co-author shall have the right to request its protection, including in court.

5. Remuneration for the use of a work created in co-authorship, including the fair remuneration provided for in [part three](#) of Article 12 of this Law, shall be distributed among the co-authors in equal shares, unless otherwise stipulated by an agreement between them or this Law.

### **Article 14. Copyright to a work for hire**

1. Personal non-property copyrights to a work for hire belong to the employee who created the work as a result of their creative activity.

2. The economic rights to an employee's work shall be transferred to the employer from the moment the employee's work is created in its entirety, unless otherwise stipulated by this Law, an employment agreement (contract) or other agreement concerning economic rights to an employee's work concluded between the employee (author) and the employer.

If the property rights to a work are transferred to the employer, the employee who is the author of the work for hire is entitled to remuneration. If the employee's job duties directly involve the creation of works for hire of the relevant types, royalties for the creation and use of such works, as well as for the transfer of rights to them, may be included in the employee's salary in accordance with the agreement between the employee and the employer.

3. The employer shall have the right to entrust another person to complete an unfinished work for hire, to make changes to a completed work for hire, to accompany the work for hire with illustrations, prefaces, afterword, etc., unless otherwise stipulated by the employment agreement (contract) or other agreement regarding property rights to the work for hire.

### **Article 15. Copyright to a work created by order**

1. Personal non-property copyrights to a work created by order belong to the author.

2. Property rights to a work created by order shall be transferred in favor of the customer, unless otherwise provided by the order agreement. Intellectual property rights to a work of fine art created by order (except for a work specially created as an element of a computer program) shall belong to its author, unless otherwise stipulated by an agreement or law.

3. If the property rights to the work are transferred to the customer, the author is entitled to remuneration.

4. The customer has the right to make changes to the work created under the order, to accompany it with illustrations, prefaces, afterword, etc., unless otherwise provided for in the order agreement.

**Article 16.** Copyright to audiovisual works

1. The authors of an audiovisual work are:

- 1) director of photography;
- 2) author(s) of the script and/or dialogues;
- 3) author of a musical composition specially created for an audiovisual work with or without lyrics;
- 4) production designer;
- 5) director of photography.

One individual may carry out several types of relevant creative activity of the author of an audiovisual work.

2. Unless otherwise stipulated by the agreement:

1) the economic rights to an audiovisual work as defined in [part one](#) of Article 12 of this Law shall be transferred from the authors to the producer of the audiovisual work from the moment of the work's creation. At the same time, the author of a musical composition specially created for an audiovisual work shall retain the economic rights to public performance and public communication of such a musical composition separately from the audiovisual work;

2) the authors of an audiovisual work and holders of property rights to other works that have been processed and/or incorporated into the said audiovisual work with the permission of the said holders shall not have the right to prohibit reproduction, distribution, interactive provision of access, public display, public announcement of such audiovisual work, rental of its copies, as well as its subtitling and dubbing (including duplication);

3) authors not provided for in [part one](#) of this Article, whose works are included as an integral part of an audiovisual work (those created earlier and those created in the course of work on an audiovisual work), shall each retain copyright in their own work and may independently use it within the limits not related to such audiovisual work, subject to the provisions of [paragraph 2](#) of this part.

3. The right of authors of an audiovisual work to fair remuneration shall be exercised in accordance with the law.

**Article 17.** Copyright to derivative works

1. A derivative work is a work resulting from creative processing of another work without prejudice to its protection (annotation, adaptation, arrangement, cover version, processing of intangible cultural heritage, etc.) or its creative translation into another language. Derivative works shall not include audiovisual works obtained by voicing (including dubbing), subtitling in other languages of other audiovisual works.

2. Translators and authors of other derivative works shall own the copyright to their translation, adaptation, arrangement, or other adaptations of the work.

Translators and authors of other derivative works shall exercise their rights, provided that they respect the rights of the copyright holder of the work that has been adapted.

3. The copyright of translators and/or authors of other derivative works shall not prevent other authors from translating and adapting the same works, provided that the copyright of the translated or adapted works is observed.



#### **Article 18.** Copyright to composite works

1. The author of a collection, in particular an encyclopedia, encyclopedic dictionary, anthology, or other composite work (compiler) shall own the copyright to the compilation (selection and/or arrangement) of works, if such compilation is the result of creative activity.

The compiler shall exercise his/her rights provided that he/she observes the rights of copyright holders in respect of each of the works included in the compiled work.

2. The compiler of encyclopedias, encyclopedic dictionaries, periodicals and other collections, newspapers, magazines and other periodicals shall have the property rights to use such publications as a whole. The compiler shall have the right to indicate his/her name (title) in any use of such publications or to demand such indication.

3. The copyright of the compiler of a composite work shall not prevent other persons from independently compiling the same works to create other composite works.

4. Copyright holders whose works are included in a composite work shall retain their own economic rights to such works with respect to their separate use from the composite work, unless otherwise provided by an agreement with the compiler of the composite work.

#### **Article 19.** Copyright to a work incorporated into another work

1. The copyright to a work incorporated into another work, in particular by means of synchronization, shall be exercised independently of the copyright to the work in which the work is incorporated, unless otherwise provided by an agreement or this Law.

2. Holders of economic rights to a work which includes another previously created work shall exercise their rights provided that they observe the rights of copyright holders in respect of the included work.

#### **Article 20.** Copyright to computer programs

1. The protection of a computer program extends to computer programs expressed in source or object code if they are original.

2. Protection is granted to the form of expression of a computer program.

A graphical user interface, a set of functions to be performed, and the format of data files used in a computer program to operate its functions are not forms of expression of a computer program.

3. The ideas and principles any element of a computer program is based on, including those which its interface, logic diagrams, algorithms and programming languages are based on, are not protected by copyright.

#### **Article 21.** The right to databases (data compilations)

1. Databases (compilations of data) are protected by copyright if they are the result of creative activity with regard to the selection and/or arrangement of their components.

2. The protection of databases does not extend to and does not prejudice any rights to their component parts included in the database.

3. The protection of databases does not extend to computer programs used in the creation of the databases or those necessary for the functioning of the databases.

4. A producer of a database, except for a database created for the systematization of data that is considered public information under the [Law of Ukraine "On Access to Public Information,"](#) who has made a qualitatively and/or quantitatively significant contribution to obtaining, verifying or presenting the contents of the database, in order to prevent removal and/or reuse - any provision of the full database contents or its significant part to an indefinite number of persons in qualitative or quantitative terms, shall be granted a special kind of right (sui generis right) to such a database.

5. Sui generis right shall be exercised regardless of whether the relevant database is subject to copyright or other rights. In addition, sui generis right shall be exercised regardless of whether the content of the relevant database is subject to copyright or other rights.

Sui generis right may be transferred (alienated) in accordance with the law.

6. The protection of databases under sui generis law shall not prevent the exercise of rights existing in relation to the contents of such a database.

7. Sui generis right takes effect from the date when the creation of the database is completed and expires 15 years later on the last day of the calendar year when the database was created.

In case of disclosure of the database before the expiration of the period specified in [the first paragraph](#) of this part, this right shall expire in 15 years, on the last day of the calendar year when the database was first disclosed.

8. Any substantial change in the content of a database in quantitative or qualitative terms, in particular any substantial change resulting from the accumulation of additions, deletions or successive changes, which allows to conclude that it is a substantial contribution, defined qualitatively and quantitatively, shall grant the database resulting from such changes a separate term of legal protection in accordance with [part seven](#) of this Article.

## **Article 22.** General cases of free use of works

1. Without copyright holders' permission, free of charge and without indicating the name of the author and the source of borrowing, the following is allowed:

1) reproduction of a work in connection with demonstration, adjustment or repair of equipment, the functioning of which cannot be checked without the use of works, provided that such reproduction and its scope correspond to the specified purpose;

2) reproduction of a work in the form of a layout, drawing or plan of a building or other capital structure for the purpose of reconstruction of such building or other capital structure, provided that such reproduction and its scope correspond to the specified purpose;

3) reproduction of works to support judicial, administrative, criminal proceedings, rule-making activities of legislative, executive and local self-government bodies, notarial acts, and public safety to the extent consistent with the purpose;

4) public performance of musical works during official ceremonies organized by state authorities and/or local self-government bodies, religious ceremonies, as well as burials to the extent consistent with the nature of such ceremonies.

2. Without the permission of copyright holders and free of charge, but with indication of the author's name and source of borrowing, the following is allowed:

1) use of quotations, including their translation from other languages, from lawfully published works, including articles from newspapers and magazines in the form of press reviews, if this is due to the critical, polemical, scientific or informational nature of the work (message) in which the quotations are included, with semantic and/or graphic highlighting of the quotation boundaries;

2) reproduction, including in electronic (digital) form, interactive provision of access to lawfully published articles and other works of small volume, as well as excerpts from written works, works of fine arts, photographic works, audiovisual works, such as illustrations in publications, programs of broadcasting organizations, sound recordings or video recordings for the purpose of ensuring and implementing the educational process or for the purpose of scientific research, if such actions do not have independent economic value, to the extent consistent with the defined purpose, provided that

the scope of such use is consistent with the defined purpose;

the use of works is carried out by subjects of educational or scientific activity in the places where these subjects carry out educational or scientific activity, or through a secure electronic (digital)

environment, which is accessible exclusively to students and pedagogical, scientific and pedagogical staff of an educational institution or employees of a scientific institution;

3) reprographic reproduction of works carried out by subjects of educational activity for educational classes of lawfully published articles and other works of small volume, as well as excerpts from written works with or without illustrations, provided that

the scope of such reproduction corresponds to the goal set by the training sessions;

the reproduction of the work is not systematic;

4) reproduction in an electronic (digital) format, interactive provision of access to lawfully published articles and other works of small volume, as well as excerpts from written works, such as illustrations for distance learning, provided that measures are taken to protect distance learning materials from illegal access to them;

5) reproduction and distribution in the press, bringing to the public's attention articles previously published in newspapers or magazines on current economic, political, religious and social issues, if the right to such reproduction, distribution, and bringing to the public's attention is not specifically prohibited by the author;

6) bringing to the public's attention works seen or heard during current events in order to cover such events to the extent that corresponds to the information purpose;

7) reproduction in catalogs of works exhibited at exhibitions, auctions, fairs or in collections accessible to the public to cover such events, except for the use of such catalogs for commercial purposes;

8) reproduction of and bringing the public's attention to publicly delivered speeches, addresses, reports and other similar works to the extent that corresponds to the specified purpose;

9) use of lawfully published literary, artistic, musical and other works to create the following on their basis:

potpourri - a composite work resulting from the creative selection and arrangement of short excerpts of other lawfully published musical or audiovisual works without prejudice to their protection, resulting in an integral object, the parts of which are united by the creative intent of the author of this work;

a work in the genre of parody - a work that by its content is comic or satirical in nature in relation to events, persons or to a lawfully published work or part thereof, created, among other things, as a result of creative processing of such a work or part thereof, and causes associations with events, persons, work or part thereof;

a work in the genre of caricature - a work of fine art that is comic or satirical in nature or is aimed at ridiculing certain persons or events, or may be a creative reworking of another lawfully published work, including a character in the work or the name of a character in the work;

10) creation of images of works of architecture and fine arts permanently located in places accessible to the public on the street, provided that such actions do not have independent economic value;

11) adaptation of audiovisual works by means of audio description (audio commentary);

12) reproduction in the State Register of Certificates of Registration of Copyright to a Work and the State Register of Agreements Concerning the Author's Right to a Work;

13) recording of a work for short-term use by a broadcasting organization with its own means and for its own programs, in respect of which it has obtained the right to public announcement. At the same time, the broadcasting organization is obliged to destroy such a recording of the work within 30 calendar days after it was made, unless a longer period is agreed in writing with the copyright

holder or is established by law. Such a recording may be kept in state archival institutions due to its exclusively documentary nature;

14) making copies of works made from a legitimate source for the purpose of searching for text and data included in or related to scientific publications for research purposes. This provision shall apply if the use of works has not been expressly prohibited by copyright holders in an appropriate manner, in particular, by computer-readable means from digital content available on the Internet.

3. The list of cases of free use of works specified in this Article and [Articles 23-28](#) of this Law is exhaustive.

4. The free use of works shall be carried out provided that the work in question has been lawfully made public, and the restrictions will not harm other normal use of such work and will not unreasonably restrict the legitimate interests of the respective copyright holders.

5. In the cases stipulated by [clause 4](#) of part one and [clause 12](#) of part two of this Article, free use of works may be carried out in relation to unpublished works, without indicating the source of borrowing.

**Article 23.** Free use of a work in the interests of a person with limited ability to perceive printed information due to disability

1. Without the permission of the copyright holders and free of charge, but subject to parts [two](#) and [five](#) of this Article, it is permitted to use copies of a work in an accessible format for persons with disabilities that make it difficult to perceive printed information in the following ways:

1) reproduction, distribution, interactive provision of access; sending electronic copies online exclusively to persons with disabilities due to disability via wired or wireless communication;

2) translation of a work for the purpose of making copies of works in an accessible format for persons with a limited ability to perceive printed information due to a disability;

3) hiring copies of the work in an accessible format for persons with a limited ability to perceive printed information due to a disability;

4) importing copies of works in an accessible format.

2. The use of a work in the manner envisaged by [part one](#) of this Article shall be permitted through an authorized institution (agency, organization) which, in accordance with the law, provides training, organizes educational and training process, and provides specialized services for adaptive reading and access to information for persons with a limited ability to perceive print information due to a disability. An authorized institution may also be a state institution or non-profit organization that provides similar services to persons with a limited ability to perceive print information due to a disability as the main focus of its activities or institutional responsibilities.

The use of a work in the ways provided for in [part one](#) of this Article is permitted subject to the following conditions:

1) the authorized institution intending to perform the said actions has obtained legal access to a copy of the work;

2) a copy of a work in an accessible format and/or devices, computer programs intended for use by persons with a limited ability to perceive print information due to a disability may include any means necessary to navigate the work in an accessible format, but without making changes to the work, except for those necessary to ensure access to the work for persons with a limited ability to perceive print information due to a disability (audio description, etc.);

3) a copy of the work in an accessible format is provided for use exclusively for persons with disabilities that impede the perception of printed information;

4) the actions provided for in clauses [1-3](#) of this part have no independent economic value;

5) the authorized institution shall take appropriate measures, including the use of technological protection means, to restrict further reproduction, distribution, interactive provision of access to the relevant works, copies of which are provided to persons with a limited ability to perceive print information due to a disability.

3. Without the permission of copyright holders and free of charge, authorized institutions may alienate or provide for use copies of works in an accessible format exclusively to persons with disabilities and/or institutions providing similar services to such persons in another country, provided that such copy will be used exclusively in the interests of the said persons.

4. A copy of a work in an accessible format for persons with a limited ability to perceive print information due to a disability shall mean a copy of a work in an alternative form or form that provides persons with a limited ability to perceive print information due to a disability access to the work, including allowing a person with disabilities to have the same real and convenient access as a person without a certain limited ability to perceive print information due to a disability. A copy in an accessible format is used exclusively by persons with a limited ability to perceive print information due to a disability and must ensure the integrity of the original work, with due regard for the changes necessary to make the work accessible in an alternative format and the accessibility needs of persons with a limited ability to perceive print information due to a disability.

5. Lawfully made copies of works in an accessible format must contain information about the author's name and source of borrowing, as well as an inscription stating that their use is intended exclusively for persons with disabilities.

**Article 24.** Free use of a work by libraries, museums with open access to visitors, archives or organizations for maintaining audio and video recordings

1. Reproduction, including reprographic reproduction of a work by libraries, museums with open access to visitors, archives or organizations for maintaining audio and video recordings, is allowed without the permission of the copyright holder under the following conditions:

1) if the reproduced work is a single published article and other small works or excerpts from written works (except for a computer program or database), with or without illustrations, and if this reproduction is carried out at the request of individuals, provided that

libraries, museums with open access to the public, archives or organizations for maintaining audio or video recordings have reasonable grounds to believe that a copy of the reproduced work will be used for educational, scientific or private research purposes;

the scope of such reproduction is consistent with the defined purpose;

the reproduction of the work is not systematic.

At the same time, libraries, archives and museums are entitled to reimbursement of economic expenses related to the provision of services for the reproduction of a work provided for in this part;

2) if reproduction is carried out in any format and on any medium for preservation or replacement of a lost, damaged or unusable copy of a work from the collection of libraries, museums with open access for visitors, archives or organizations for maintaining audio, video recordings, or to restore a lost, damaged or unusable original or copy of a work from the collection of similar institutions or organizations, or to provide such a copy to another institution or organization, provided that it is impossible to produce the corresponding copy in any other way and the copy is made to the extent necessary for such preservation.

2. Non-commercial libraries may borrow copies of lawfully published works in printed form without the permission of the copyright holder, except for copies of computer programs and databases.

3. Non-commercial libraries may borrow a copy of a lawfully published work in printed form without the permission of the copyright holder, except for copies of computer programs and databases under the following conditions.

1) providing access to only one copy of this work at a time;

2) the effect of this part extends only to works which do not fall under the terms of use on the basis of a public license agreement for the use of copyright objects;

3) the user is not able to use a copy of the work beyond the period when the copy of the work is loaned.

4. Archives or organizations for maintaining audio and video recordings are allowed to provide interactive access to a work in an electronic (digital) format without the permission of the copyright holder and free of charge by means of terminals in libraries and museums with open access for visitors at the request of an individual for educational and scientific purposes or for private research under the following conditions:

1) the possibility of making copies of this work for use outside the premises of the institutions referred to in this clause is excluded;

2) access is provided to only one copy of this work at a time.

5. Without the permission of the copyright holder, public display of original works of fine and/or applied art by museums where they are stored is allowed and free of charge.

6. The activities of libraries and museums with open access for visitors shall be considered non-commercial by archives or organizations for maintaining audio and video recordings, including if such organization charges a fee not exceeding the amount necessary to reimburse business expenses related to provision of services for reproduction, lending and interactive provision of access to a work provided for in this Article, or if such services are provided free of charge.

#### **Article 25: Free use of computer programs**

1. Without the permission of the copyright holders of a computer program and free of charge, a lawful user of a computer program may:

1) make a backup copy, if necessary, to use this computer program;

2) decompile a computer program (convert it from object code to source text) in order to obtain information necessary to achieve its interaction with another independently developed computer program, subject to the following conditions:

the information necessary to achieve the ability to interact was not previously available to that person from other sources;

such decompilation is carried out only with respect to those parts of the computer program that are necessary to achieve interoperability;

the information obtained as a result of decompilation may be used only to achieve the ability to interact with other programs, but may not be transferred to other persons, except in cases where it is necessary to achieve the ability to interact with other computer programs, and may not be used to develop, produce or sell a computer program substantially similar in expression to the decompiled computer program, or to perform any other action that infringes copyright;

3) observe, study, investigate the functioning of a computer program in order to determine the ideas and principles underlying it, provided that this is done in the course of performing any action to download, display, operate, transmit or record in memory (save) a computer program.

2. Without the permission of the copyright holders of the computer program, unless the contract provides otherwise and if the actions specified in this part are necessary exclusively for the proper

use of the copy of the computer program for its intended purpose, including for the correction of errors, the lawful user of the computer program has the right to:

- 1) reproduce the computer program in whole or in part, in any way and in any form;
- 2) translate, adapt or otherwise change (modify) a computer program and reproduce the results of such actions.

**Article 26:** Free use of databases

1. Without the permission of copyright holders and free of charge, a lawful user of the database, except for the cases of free use of works specified in [Article 22](#) of this Law, shall have the right to

1) perform any actions necessary to ensure access to the contents of the database and normal use of this content for the purpose for which the lawful user has lawfully obtained a copy of the database. If the lawful user has obtained permission to use only a part of the database, this provision applies only to such part;

2) reproduce non-electronic databases exclusively for personal purposes or for family members of this person, provided that they have no independent economic value;

3) reproduce databases (if such actions do not have independent economic value) for illustration in educational or scientific activities, provided that

the scope of such reproduction corresponds to the purpose of educational or scientific activity;

reproduction is not systematic;

the source of borrowing is indicated.

2. A lawful user of a database shall have the right to remove and/or reuse for any purpose insignificant in qualitative or quantitative terms parts of the database content without the consent of the producer of such database, unless the agreement between the holder of property rights to the database and such legal user indicates otherwise. If the lawful user of a database is allowed to remove or reuse only parts of the database in accordance with the terms of use of the database, the provisions of this part shall be applied in accordance with such agreement.

3. With regard to a non-original database, a lawful user of the database may, without the consent of the producer of such database, remove (permanently or temporarily transfer all or a significant part of the database contents to another medium in any way and in any form) or reuse a significant part of its contents in the event of

1) removal of the contents of a non-electronic database for personal purposes;

2) removal of the contents for illustrative purposes in educational or scientific activities, provided that the source is indicated and provided that the actions carried out have no independent economic value;

3) removal and reuse of the contents for public safety purposes or for the purposes of judicial, administrative or criminal proceedings.

4. Repeated and systematic removal and reuse of insignificant parts of the database contents, including actions that contradict the normal use of the database or that unreasonably harm the legitimate interests of the developer of such database, is not allowed.

**Article 27.** Free temporary reproduction of works

1. Without the permission of copyright holders and free of charge, temporary reproduction of a work that is intermediate or incidental (additional) in nature and is an integral part of the technological process, and whose sole purpose is to facilitate the transfer of an electronic (digital) copy of a work by an intermediary in a network between third parties or the lawful use of a work, shall be allowed.

Temporary reproduction of a work referred to in this Article shall be allowed provided that it does not have independent economic value.

**Article 28.** Free reproduction of works for personal purposes

1. Private copying of works is allowed without the permission of copyright holders and free of charge, except for:

- 1) works of architecture in the form of buildings and structures, except as provided for in [paragraph 10](#) of part two of Article 22 of this Law;
- 2) computer programs, except as provided for in [Article 25](#) of this Law;
- 3) databases, except as provided for in [Article 26](#) of this Law;
- 4) works of fine arts, except as provided for in [Article 24](#) of this Law.

2. Subject to [part four](#) of this Article, private copying of works recorded in phonograms, videograms, as well as audiovisual works without the permission of copyright holders, but with payment of fair remuneration to them, shall be allowed.

The procedure for payment of remuneration in the cases stipulated by this Part shall be determined [by the Law of Ukraine](#) "On Effective Management of Property Rights of Copyright and (or) Related Rights Holders."

3. Subject to [part four](#) of this Article, reprographic reproduction of works without the permission of copyright holders, but with payment of fair remuneration to them, exclusively for personal purposes or for the family circle, shall be allowed, except for the cases stipulated by [Articles 22](#) and [25](#) of this Law.

The procedure for payment of remuneration in the cases stipulated by this Part is determined by [the Law of Ukraine](#) "On Effective Management of Property Rights of Copyright and (or) Related Rights Holders."

4. Free reproduction of a work for personal purposes from a copy of a work made in violation of copyright is not allowed.

**Article 29.** Orphan works

1. Libraries, museums with open access for visitors, archives or organizations for maintaining audio and video recordings are allowed to use orphan works by means of reproduction methods for the purpose of digitization, indexing, cataloging, preservation or restoration of a copy after taking measures for identification and proper search of authors and other copyright holders, which did not lead to identification of the respective copyright holders or finding of the identified holders.

2. The orphan status may be granted to the following works, made public on the territory of Ukraine:

1) a work published in a book, magazine, newspaper or other written publication contained in the collections of libraries, museums with open access to visitors, in archives or organizations for maintaining audio and video recordings;

2) an audiovisual work contained in the collections of libraries, museums with open access to visitors, in archives or organizations for maintaining audio and video recordings.

3. A work that has acquired the status of an orphan work shall lose this status and its use in the ways specified in [part one](#) of this Article shall not be permitted, in accordance with the established procedure, on the basis of an application containing a reasoned statement that the applicant has economic rights to the work specified in such application, the grounds for the emergence of rights of the copyright holder(s) to this work and their validity period, as well as the contact details of the applicant.

A work that has lost the status of an orphan work shall be protected in accordance with this Law.



4. The procedure and conditions for the permitted use of orphan works, including the procedure and conditions for taking measures to identify and properly search for the relevant copyright holders, acquisition and loss of the status of an orphan work, and maintenance of the register of orphan works, shall be determined by the Cabinet of Ministers of Ukraine.

### **Article 30. Resale right**

1. The author shall have the inalienable right to receive a fair remuneration, subject to [part three](#) of this Article, as a share of the deductions from each sale of an original artistic work (a work of graphic or plastic art, such as a drawing, collage, painting, picture, engraving, print, lithograph, sculpture, tapestry, ceramic and glass work, photographic work, etc.), an original manuscript of a literary or musical work following the sale of the original made by the author (resale right).

For the purposes of this Article, the originals of works referred to in [part one](#) of this Article shall be equated with their copies made in a limited number by the author or under his/her supervision, which are numbered, signed by the author or contain other markings certifying his/her authorship.

Resale right belongs to the author, and after his/her death it passes to the author's heirs and the heirs of these heirs and is valid until the expiration of the term of validity of intellectual property rights to the work established by [Article 31](#) of this Law.

The sale of the original of a work referred to in [part one](#) of this Article shall be deemed a subsequent sale of such original if the sale is made by an owner other than the author of such work or the heir of such author.

2. Depending on the price of the subsequent sale, excluding taxes, the amount of fair remuneration provided for in [part one](#) of this Article shall be:

- 1) 6 percent - for the sale price equivalent to EUR 50 to EUR 3,000 inclusive;
- 2) 5 percent - for the sale price equivalent to EUR 3,000.01 to EUR 50,000 inclusive;
- 3) 3 percent - for the range of the sale price equivalent to EUR 50,000.01 to EUR 200,000;
- 4) 1 percent - for the range of the sale price equivalent to EUR 200,000.01 to EUR 350,000;
- 5) 0.5 percent - for the range of the sale price equivalent to EUR 350,000.01 to EUR 500,000;
- 6) 0.25 percent - for the sale price above the equivalent of EUR 500,000.

At the same time, the total amount of fair remuneration for each subsequent sale of one original work referred to in [part one](#) of this Article, following the first alienation thereof, may not exceed the amount equivalent to EUR 12,500.

The equivalent sales price in euros is determined at the official exchange rate set by the National Bank of Ukraine on the day of the artwork sale.

3. Fair remuneration for resale right shall not be paid if:

1) the subsequent sale of the original work referred to in [part one](#) of this Article and its acquisition is carried out by individuals without the participation of persons trading in the work referred to in [part one](#) of this Article, except when their alienation (subsequent sale) is carried out as a result of a public offer of the subsequent sale via the Internet (through social networks, Internet forums, groups, online ad platforms, trading platforms, marketplaces, auctions, tenders, etc.);

2) the price of the subsequent sale of the original work referred to in [part one](#) of this Article does not exceed the equivalent of EUR 50.

4. In case of subsequent sale of the original work referred to in [part one](#) of this Article through auctions, galleries, salons, shops, etc., the obligation to pay the author (author's heirs) a fair remuneration for resale right shall be imposed on persons who trade in works of art (auctions, galleries, salons, shops, etc.), regardless of whether this person acts on his/her own behalf or on behalf of the owner of the original work, and in case of alienation of the original work referred to in [part one](#)

of this Article, as a result of a public offer for sale via the Internet (through social networks, Internet forums, groups, online announcement platforms, online auctions, trading platforms (marketplaces), bidding, tenders, etc.), payment of fair remuneration for resale right shall be made directly by the persons who make a public offer to sell the original work referred to in part one of this Article via the Internet (through social networks, Internet forums, groups, online classifieds platforms, online auctions, trading platforms (marketplaces), bidding, tenders, etc.).

5. Persons who carry out the subsequent sale (public offer) of the original work referred to in [part one](#) of this Article shall notify the collective management organization accredited in the field of compulsory collective management regarding resale right about the subsequent sale within one month from the date of such sale, provide this organization with the information necessary for collection and distribution of remuneration, and pay this organization a fair remuneration within 10 days from the date of providing information about the subsequent sale of the said original work.

### **Article 31.** Term of Copyright

1. Copyright to a work is valid from the moment of its creation.

2. Intellectual property rights to a work shall expire in 70 years, calculated from January 1 of the year following the year of the author's death, except as provided for in parts [three to six](#) of this Article.

3. For works published anonymously or under a pseudonym, the term of validity of intellectual property rights to the work shall expire in 70 years, calculated from January 1 of the year following the year in which the work was published. If the pseudonym adopted by the author does not raise doubts as to the author's identity or if the authorship of a work published anonymously or under a pseudonym is disclosed not later than 70 years after the work is published, the term provided for in [part two](#) of this Article shall apply.

4. The term of intellectual property rights to a work created in co-authorship shall expire in 70 years, calculated from January 1 of the year following the year of death of the last co-author. Intellectual property rights to an audiovisual work shall expire in 70 years, calculated from January 1 of the year following the year of death of the last author specified in [part one](#) of Article 16 of this Law.

5. If a work in its entirety is published not simultaneously, but sequentially in time in volumes, parts, issues, series, etc. and the term of intellectual property rights shall begin on the date when the work was lawfully published, the term of intellectual property rights to such work shall be determined separately for each published part of the work.

6. The term of intellectual property rights to the work of a posthumously rehabilitated author shall expire in 70 years, calculated from January 1 of the year following the year of the author's rehabilitation.

7. If a work for which the term of validity of intellectual property rights is not calculated from the death of the author (one of the co-authors or one of the authors) has not been lawfully published within 70 years from the date of its creation, the validity of intellectual property rights to such work shall be terminated.

8. Any person who first lawfully publishes an unpublished work after the expiration of the term of intellectual property rights to it shall enjoy protection equivalent to the protection of intellectual property rights to the work. The term of such rights is 30 years from the date of the first lawful publication for works of science and works of a critical nature, and 25 years from the date of the first lawful publication for all other works.

9. The personal non-property rights of an author stipulated in [Article 11](#) of this Law shall be protected for an indefinite period.

**Article 32.** Transfer of rights to a work by inheritance. Transfer of a work to the public domain. Protection of the author's personal non-property rights

1. Property rights to a work are part of the inheritance.

The author's personal non-property rights are not part of the inheritance.

2. In case of inheritance of economic rights to a work by law, the heir shall acquire such rights in full, together with the right to receive fair remuneration for the use of works as provided by law.

If there are several heirs in the respective order, such heirs shall acquire economic rights to the work in its entirety jointly, together with the right to receive fair remuneration for the use of the work in equal shares as provided by law, unless otherwise specified in the agreement between such heirs.

The provisions of the [second paragraph](#) of this part shall also apply in case of several heirs under a will, unless the will specifies a different distribution of property rights to a work among the heirs, as well as in case of several heirs entitled to a compulsory share in the inheritance.

The author's heirs have the right to publish a work that was not made public during the author's lifetime, unless the author has expressly prohibited the publication of such a work.

3. The expiration of economic rights to a work means that the work enters the public domain.

Works that have fallen into the public domain may be freely used by any person without payment of remuneration, provided that the author's personal non-property rights provided for in [Article 11](#) of this Law are respected.

4. The protection of personal non-property rights of an author whose work has fallen into the public domain shall be exercised by his/her heirs, and in case of their absence - by the central executive body responsible for the formation and implementation of the state policy in the field of intellectual property, in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

The author's heirs have the right to protect the author's personal non-property rights, in particular, to counteract the distortion, misrepresentation or other alteration of the work, as well as any other encroachment on the work that may harm the author's honor and reputation.

### **Article 33.** Sui generis right to non-original objects generated by a computer program

1. A non-original object generated by a computer program is an object that differs from existing similar objects and is formed as a result of the functioning of a computer program without the direct participation of an individual in the formation of this object.

Works created by individuals using computer technologies are not considered non-original objects generated by a computer program.

2. Holders of sui generis rights to non-original objects generated by a computer program shall be persons who, subject to the requirement stipulated in [part seven](#) of this Article, own the economic rights or have licensing powers to the computer program envisaged by [part one](#) of this Article - authors of such computer program, their heirs, persons to whom the authors or their heirs have transferred (alienated) economic rights to the computer program or lawful users of the computer program. The agreement may determine other conditions for the ownership of sui generis rights to non-original objects generated by the respective computer programs.

3. No personal non-property rights arise as a result of the creation of a non-original object generated by a computer program.

4. The scope of property rights of a sui generis holder to a non-original object generated by a computer program shall be determined in accordance with [Article 12](#) of this Law.

5. The right of a special kind (sui generis) to a non-original object generated by a computer program arises as a result of the fact of generation of this object and begins to operate from the moment of its generation.

6. The right of a special kind (sui generis) to a non-original object generated by a computer program shall be effective from the moment of generation of such object. The term of validity of the sui generis right to a non-original object generated by a computer program shall expire in 25 years, calculated from January 1 of the year following the year in which the non-original object was generated.

7. If a non-original object generated by a computer program is the result of the use of copyright and/or related rights objects, the respective holder shall enjoy a sui generis right to such non-original object, provided that it observes the rights of the copyright or related rights holder(s) whose work(s) or related rights object(s) were used in the process of generating such non-original object.

If a non-original object generated by a computer program is the result of the use of another protected non-original object generated by a computer program, the respective holder shall enjoy the sui generis right to this object, provided that it observes the rights of the entity (entities) to the non-original object generated by the computer program whose non-original object was used in the process of generating the new non-original object.

8. The holder of the sui generis right to a non-original object generated by a computer program shall have the exclusive right to grant other persons permission to use this object by any means on the basis of a contract during the term of validity of the sui generis right. Permission to use a non-original object generated by a computer program shall be granted in accordance with the procedure provided for in [Article 50](#) of this Law.

9. The sui generis right to an object generated by a computer program may be alienated in favor of another person in accordance with the procedure provided for in [Article 49](#) of this Law.

10. The free use of a non-original object generated by a computer program shall be allowed in accordance with the procedure stipulated by [Articles 22-29](#) of this Law.

11. The infringement of a sui generis right to a non-original object generated by a computer program, which gives grounds for protection of such rights, including in court, shall be recognized as actions envisaged by [Article 55](#) of this Law, taking into account the peculiarities established by this Article.

### **Section III. RELATED RIGHTS**

#### **Article 34. Objects of related rights**

1. The objects of related rights, irrespective of their purpose, content, method and form of expression, are:

- 1) performance;
- 2) a phonogram;
- 3) a videogram;
- 4) a program of a broadcasting organization.

#### **Article 35. Related rights and related rights holders**

1. Related rights are:

1) related rights of the performer - personal non-property rights of the performer and property rights to perform;

2) related rights of the phonogram producer - the right to the name of the phonogram producer and the property rights to the phonogram;

3) related rights of a videogram producer - the right to the name of the videogram producer and property rights to the videogram;

4) related rights of the broadcasting organization - the right to the name of the broadcasting organization and property rights to the broadcasting organization's program.

2. Related rights holders are:

1) the performer (the primary holder of related performance rights), the performer's heirs, and other individuals or legal entities that have acquired property rights to performance on the basis of a contract or law;

2) the phonogram producer (the primary holder of related rights to a phonogram), heirs (successors) of the phonogram producer and other individuals or legal entities that have acquired economic rights to a phonogram on the basis of a contract or law;

3) a videogram producer (the primary holder of related rights to a videogram), heirs (successors) of a videogram producer and other individuals or legal entities that have acquired property rights to a videogram on the basis of a contract or law;

4) a broadcasting organization (the primary holder of related rights to a broadcasting program), legal successors of a broadcasting organization and other individuals or legal entities that have acquired property rights to a broadcasting program on the basis of an agreement or law.

**Article 36.** Occurrence and exercise of related rights

1. Related rights arise as a result of:

1) each performance;

2) production of a phonogram;


3) making a videogram;

4) the first broadcast of the broadcasting organization's program.

2. Related rights and the right of ownership of a material or electronic (digital) object where the object of related rights is embodied (recorded) shall be independent of each other. The alienation of a material or electronic (digital) object where the object of related rights is embodied shall not mean the alienation of property rights to the object of related rights and vice versa.

3. No formalities are required for the occurrence and exercise of related rights.

In the absence of evidence to the contrary, the performer, phonogram producer, videogram producer shall be deemed to be the persons whose names (titles) appear in the phonogram, videogram and their copies or on the packaging containing the copies of the phonogram or videogram.

4. The holder of related performance rights to a phonogram or a videogram shall have the right to use a special mark of protection of related rights consisting of the Latin letter "P" circled - - to inform about his/her economic rights to the respective object of related rights, next to which the name of the holder of economic rights, the year of the first publication of the object of related rights shall be indicated. The mark of related rights protection shall be indicated in a phonogram, videogram, in each copy thereof or on the packaging containing a copy of a phonogram or videogram.

5. When performing, producing a phonogram or videogram, or broadcasting a program of a broadcasting organization for the first time, related rights holders shall refrain from actions that may infringe copyright and/or related rights of other persons.

6. Property rights for official performance shall arise and be exercised under the conditions and in the manner prescribed by [Article 14](#) of this Law. The procedure for payment of fair remuneration for the use of official performance may be determined in the agreement of such related rights holder with the employer or with a collective management organization.

7. Property rights to the performance carried out by the performer under the order shall arise and be exercised on the terms and in the manner prescribed by [Article 15](#) of this Law.

8. Property rights to an object of related rights owned jointly by several related rights holders shall be exercised under the conditions and in the manner prescribed by [Article 12](#) of this Law.

Co-performers (persons whose joint activity is carried out) shall exercise their rights to performance on the terms and in the manner prescribed by [Article 13](#) of this Law.

The inheritance of performance rights shall be carried out under the conditions and in the manner prescribed by parts [one](#) and [two](#) of Article 32 of this Law.

**Article 37.** Personal non-property rights of performers, producers of phonograms, producers of videograms, broadcasting organizations

1. The performer's personal non-property rights mean the right to demand:

- 1) acknowledgment that he/she is the performer of the relevant performance;
- 2) indicating or communicating his/her name (pseudonym) in connection with each use of the performance (if practicable);
- 3) ensuring proper quality of the performance's recording and counteracting any distortion, misrepresentation or other significant change in the performance, recording of the performance that may harm the performer's honor and reputation.

2. The phonogram producer and the videogram producer shall have the right to demand:

- 1) indication of his/her name in the original and each copy of the phonogram, videogram or its (their) packaging along with indication of the work's title, name(s) of the author(s), performer(s);
- 2) mentioning his/her name (surname) in the process of using a phonogram or videogram (if practicable).

3. The broadcasting organization shall have the right to indicate its name in connection with the use of the broadcasting organization program.

4. The personal non-property rights of a performer, phonogram producer, videogram producer, broadcasting organization may not be transferred (alienated) to other persons and shall not be inherited.

**Article 38.** Property performance rights

1. The holder of related performance rights shall have the right to use the performance in any way (ways) and the exclusive right to authorize or prohibit performance by other persons.

The ways to use the performance include, in particular:

- 1) public announcement of unrecorded performance (live broadcast);
- 2) recording in a phonogram or videogram;
- 3) playback of the performance recording;
- 4) inclusion of the recorded performance in another object of copyright or related rights;
- 5) distribution of copies of a performance recording recorded in a phonogram or videogram;
- 6) leasing or lending copies of a performance recording recorded in a phonogram, videogram, or audiovisual work;
- 7) interactive provision of access to the recorded performance;
- 8) importing the original or copies of the performance recording.

This list is not exhaustive.

2. The performance rights referred to in [part one](#) of this Article may be transferred (alienated) to another person on the basis of a law or a transaction in full (for all ways of using the performance in

the territory of all states of the world) or in part (for certain ways of using the performance in the territory of all states of the world or for certain ways of using the performance in the territory of certain states of the world, or for all ways of using the performance in the territory of certain states of the world).

A person who has acquired property performance rights in full or in part is considered a holder of related rights within the scope of the acquired rights.

The holder of the performance right shall have the right to grant permission and dispose of the performance rights in any other manner not contrary to the law. A performer shall have the right to a fair remuneration for public performance, public announcement of phonograms (videograms) and performances recorded therein published for commercial use, which shall be distributed in the following proportions: to performers - 50 percent; to phonogram (videogram) producers - 50 percent.

3. Regardless of the alienation of economic rights to a work specified in [part one](#) of this Article, a performer shall be entitled to fair remuneration for the respective uses of the performance, as defined by this Law and the [Law of Ukraine](#) "On Effective Management of Economic Rights of Copyright and (or) Related Rights Holders."

The following direct or indirect commercial use of phonograms and videograms and their copies shall be allowed without the consent of the performer whose performances are recorded in phonograms and videograms, but with payment of fair remuneration:

- 1) public performance of a phonogram or its copy or public demonstration of a videogram or its copy;
- 2) public broadcasting of a performance recorded in a phonogram or videogram and their copies;
- 3) public broadcasting of a performance recorded in a phonogram or videogram and their copies by wires (via cable).

The right to fair remuneration belongs only to the performer, passes only to the performer's heirs and cannot be transferred (alienated) to other persons.

4. If a performance is lawfully used in an audiovisual work, it shall be deemed that the performer transfers to the producer of the audiovisual work the economic rights to the performance provided for in [part one](#) of this Article in full, unless otherwise provided for by an agreement between such performer and producer.

5. If a performer, when making a recording of a performance, grants, in accordance with a contract, permission to a phonogram producer or a videogram producer to reproduce copies of a phonogram or a videogram, it shall be deemed that the performer has granted the phonogram producer or videogram producer the exclusive right to distribute the recording of the performance, to rent copies of the performance's recording, unless otherwise specified in the contract between such performer and the phonogram producer.

6. If copies of a recorded performance are lawfully introduced into civil circulation through their first sale in Ukraine, further alienation of such copies is allowed without the consent of the related rights holder to such performance and without payment of remuneration.

7. Placement of a hyperlink (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing), if such actions relate to a performance that was previously lawfully placed without restriction of access on the website (web page) to which the hyperlink and/or framing directs, so that members of the public can access such an object from a place and at a time chosen by them individually, shall not constitute use of the performance.

If the performance has been previously lawfully placed with access restrictions on the website (web page) to which the hyperlink and/or framing directs, and the hyperlink and/or framing allows to circumvent these access restrictions, the actions of placing such hyperlinks (including hyperlinks in

the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing) shall constitute the use of the performance by means of interactive provision of access.

Placing a hyperlink (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing), if such actions relate to a performance that was previously unlawfully posted on a website (web page), to which the hyperlink and/or framing directs, provided that such hyperlink and/or framing is placed with the purpose of profit and/or with the awareness of the illegal nature of the actions on placing the hyperlink and/or framing, shall be recognized as the use of the performance by means of interactive provision of access.

### **Article 39.** Property rights to a phonogram

1. The holder of related rights to a phonogram shall have the right to use the phonogram in any way(s) and the exclusive right to authorize or prohibit the use of the phonogram by other persons.

The ways to use a phonogram include, in particular:

- 1) reproduction in any form and by any means;
- 2) inclusion in an audiovisual work, videogram, or other phonogram;
- 3) distribution of copies of the phonogram;
- 4) renting or lending copies of a phonogram;
- 5) interactive provision of access;
- 6) any modification;
- 7) public announcement;
- 8) importing copies of a phonogram.

This list is not exhaustive.

2. The economic rights to a phonogram referred to in [part one](#) of this Article may be granted or transferred (alienated) to another person on the basis of a law or a transaction in full (for all ways of using a phonogram in the territory of all states of the world) or in part (for certain ways of using a phonogram in the territory of all states of the world or for certain ways of using a phonogram in the territory of certain states of the world, or for all ways of using a phonogram in the territory of certain states of the world).

A person who has acquired economic rights to a phonogram in whole or in part shall be a holder of related rights within the scope of the acquired rights.

The holder of related rights to a phonogram shall have the right to grant permission to use a phonogram and to dispose of economic rights to a phonogram in any other way that does not contradict the law. A phonogram producer shall have the right to fair remuneration for public performance, public announcement of phonograms and performances recorded in them published for commercial use, which shall be distributed in the following proportions 1) if a phonogram contains a recorded performance: performers - 50 percent; phonogram producers - 50 percent; 2) if a phonogram does not contain a recorded performance, phonogram producers - 100 percent.

3. Regardless of alienation of the economic rights to a phonogram specified in [part one](#) of this Article, a phonogram producer shall have the right to fair remuneration for the respective ways of using the performance, determined by this Law and the [Law of Ukraine](#) "On Effective Management of Economic Rights of Copyright and (or) Related Rights Holders."

The following direct or indirect commercial use of a phonogram and its copies shall be allowed without the consent of the phonogram producer whose phonograms have been published for commercial use, but with payment of fair remuneration:

- 1) public performance of a phonogram or its copy;



- 2) public broadcasting of a performance recorded in a phonogram and its copies;
- 3) public broadcasting of a performance recorded in a phonogram and its copies by wire (via cable).

The right to fair remuneration cannot be transferred (alienated) to other persons.

4. If a copy of a phonogram is lawfully put into civil circulation by means of the first sale in Ukraine, further alienation of such copies is allowed without the consent of related rights holders to such phonogram and without payment of remuneration. At the same time, the right to authorize or prohibit the rental of phonogram copies remains exclusively with the respective owner of the phonogram.

5. Placing a hyperlink (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing), if such actions relate to a phonogram that was previously lawfully placed without limitation of access on the website (web page) to which the hyperlink and/or framing directs, in such a way that members of the public can access such an object from a place and at a time chosen by them individually, shall not constitute use of a phonogram.

If a phonogram has been previously lawfully placed with access restrictions on a website (web page) to which a hyperlink and/or framing directs, and the hyperlink and/or framing allows circumventing these access restrictions, actions of placing such hyperlinks (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing) shall constitute the use of a phonogram by way of interactive provision of access.

Placing a hyperlink (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing), if such actions relate to a phonogram that was previously illegally posted on a website (web page), provided that such hyperlink and/or framing is placed with the purpose of making a profit and/or with the awareness of the unlawful nature of the actions on placing the hyperlink and/or framing, shall be recognized as the use of a phonogram by means of interactive provision of access.

#### **Article 40.** Property rights to a videogram

1. The holder of related rights to a videogram shall have the right to use the videogram in any way(s) and the exclusive right to authorize or prohibit the use of the videogram by other persons.

The ways to use a videogram include, in particular:

- 1) reproduction in any form and by any means;
- 2) inclusion in an audiovisual work, videogram, or other videogram;
- 3) distribution of copies of the videogram;
- 4) renting or lending copies of a videogram;
- 5) interactive provision of access;
- 6) any modification;
- 7) public announcement;
- 8) public demonstration;
- 9) importing copies of a videogram.

This list is not exhaustive.

2. The economic rights to a videogram referred to in [part one](#) of this Article may be transferred (alienated) to another person on the basis of a law or a transaction in full (for all ways of using a videogram in the territory of all states of the world) or in part (for certain ways of using a videogram in the territory of all states of the world or for certain ways of using a videogram in the territory of

certain states of the world, or for all ways of using a videogram in the territory of certain states of the world).

A person who has acquired property rights to a videogram in whole or in part shall be a related rights holder within the scope of the acquired rights.

The holder of related rights to a videogram shall have the right to grant permission to use a videogram or dispose of property rights to a videogram in any other way that does not contradict the law.

A producer of a videogram shall have the right to a fair remuneration for public performance, public announcement of videograms and performances recorded in them published for commercial use, which shall be distributed in the following proportions: 1) if a videogram contains a recorded performance: performers - 50 percent; videogram producers - 50 percent; 2) if a videogram does not contain a recorded performance, videogram producers - 100 percent.

3. Regardless of the alienation of the economic rights to a videogram specified in [part one](#) of this Article, the producer of a videogram shall have the right to fair remuneration for the respective ways of using the performance, as defined by this Law and the [Law of Ukraine "On Effective Management of Economic Rights of Copyright and \(or\) Related Rights Holders."](#)

The following direct or indirect commercial use of videograms and their copies shall be allowed without the consent of videogram producers whose videograms have been published for commercial use, but with payment of fair remuneration:

- 1) public demonstration of a videogram or its copy;
- 2) public broadcasting of the performance recorded in the videogram and its copies;
- 3) public announcement of the performance recorded in the videogram and its copies by wire (via cable).

The right to fair remuneration cannot be transferred (alienated) to other persons.

4. If a copy of a videogram is lawfully put into civil circulation by means of its first sale in Ukraine, further alienation of such copies is allowed without the consent of the holder of related rights to such videogram and without payment of remuneration. At the same time, the right to authorize or prohibit the rental of copies of videograms remains exclusively with the respective holder of the property rights to the videogram.

5. Placing a hyperlink (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing), if such actions relate to a videogram that was previously lawfully placed without limitation of access on the website (web page) to which the hyperlink and/or framing directs, so that members of the public can access such an object from a place and at a time chosen by them individually, shall not constitute the use of a videogram.

If a videogram has been previously lawfully placed with access restrictions on a website (web page) to which a hyperlink and/or framing directs, and the hyperlink and/or framing allows to circumvent these access restrictions, the actions of placing such hyperlinks (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing) shall constitute the use of a videogram by way of interactive provision of access.

Placing a hyperlink (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or playbacks) and/or framing), if such actions relate to a videogram that was previously illegally posted on a website (web page), to which the hyperlink and/or framing directs, provided that such hyperlink and/or framing is placed with the purpose of making a profit and/or with the awareness of the illegal nature of the actions on placing the hyperlink and/or framing, shall be recognized as the use of a videogram by means of interactive provision of access.

**Article 41.** Property rights to a broadcasting program

1. The holder of related rights to a broadcasting program shall have the right to use a broadcasting program in any way(s) and the exclusive right to allow or prohibit the use of a broadcasting program by other persons.

Ways to use the broadcasting organization program include, in particular:

- 1) public announcement;
- 2) retransmission;
- 3) fixation;
- 4) playback of a recording of a broadcasting program;
- 5) distribution of copies of the recording of the broadcasting organization's program;
- 6) public demonstration of a recording of a broadcasting organization's program;
- 7) interactive provision of access.

This list is not exhaustive.

2. The property rights to a broadcasting program specified in [part one](#) of this Article may be transferred (alienated) to another person on the basis of law or a transaction in full (for all ways of using a broadcasting program in the territory of all states of the world) or in part (for separate ways of using a broadcasting program in the territory of all states of the world or for separate ways of using a broadcasting program in the territory of certain states of the world, or for all ways of using a broadcasting program in the territory of certain states of the world). A person who has acquired property rights to a broadcasting program in whole or in part shall be a holder of related rights within the limits of the acquired rights.

The holder of related rights to a broadcasting program shall have the right to grant permission to use a broadcasting program and dispose of property rights to a broadcasting program in any other way that does not contradict the law.

3. Obtaining the right to use a program of a broadcasting organization shall not relieve the user of the obligation to pay remuneration for the use of copyrighted works, performances, phonograms, videograms contained in such a program in accordance with the procedure stipulated by the [Law of Ukraine](#) "On Effective Management of Property Rights of Copyright Holders in the Field of Copyright and (or) Related Rights."

4. Placement of a hyperlink (including hyperlinks in the form of a set of hyperlinks in one file (listening and/or viewing lists) and/or framing), if such actions relate to the program of broadcasting organizations, which was previously lawfully placed without restriction of access on the website (web page) to which the hyperlink and/or framing directs, so that members of the public could access such an object from the place and at the time chosen by them individually, shall not be considered as use of the program of broadcasting organizations.

If a broadcasting organization program was previously lawfully placed with access restrictions on the website (web page) to which the hyperlink and/or framing directs, and the hyperlink and/or framing allows to bypass these access restrictions, the actions of placing such hyperlinks (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing) constitute the use of a broadcasting organization program by means of interactive provision of access.

Placing a hyperlink (including hyperlinks in the form of a set of hyperlinks in one file (playlists and/or viewing lists) and/or framing), if such actions relate to a phonogram of a broadcasting organization that was previously illegally posted on a website (web page), provided that such hyperlink and/or framing is placed for profit and/or with awareness of the illegal nature of the actions on placing the hyperlink and/or framing, shall be recognized as use of the broadcasting organization's program by means of interactive provision of access.

**Article 42.** Legal basis for public announcement of broadcasting organizations' programs

1. In case of public announcement of broadcasting organizations' programs from a communication station located in the territory of Ukraine to a satellite in such a way that public announcement of such broadcasting organizations' programs, as well as other objects of copyright and/or related rights transmitted by a broadcasting organization, from a satellite is extended beyond the territory of Ukraine, for the purposes of this Law it shall be deemed that such public announcement takes place in Ukraine, and the rights and obligations stipulated by this Law, in particular the obligation to pay remuneration for the use of copyrighted objects, shall be borne by the person who carries out public announcement of objects of copyright and/or related rights on the satellite.

2. A broadcasting organization that transmits encoded signals, decoding devices for which are provided for use by the broadcasting organization or with its permission, as well as a person who sells (leases) decoding devices (means) and/or is responsible for the use of a decoding device (means), shall bear obligations stipulated by this Law, in particular, the obligation to pay remuneration for the use of copyright and/or related rights objects, and shall bear joint responsibility for the observance of copyright and/or related rights

#### **Article 43. Free use of objects of related rights**

1. The following use of objects of related rights shall be allowed without the permission of the respective related rights holder and free of charge:

1) reproduction of objects of related rights to ensure judicial, administrative and criminal proceedings, public safety to the extent consistent with the defined purpose;

2) public performance and public announcement of performances, phonograms, videograms during official ceremonies organized by state authorities and/or local self-government bodies, religious ceremonies, as well as burials to the extent consistent with the nature of such ceremonies;

3) reproduction in connection with demonstration, adjustment or repair of equipment, the functioning of which cannot be checked without the use of related rights objects, provided that such reproduction and its scope correspond to the specified purpose;

4) temporary reproduction of the object of related rights, which is transient or accidental (additional) in nature and is an integral part of the technological process, and whose sole purpose is to facilitate the transfer of an electronic (digital) copy of the object of related rights by an intermediary in the network between third parties or the lawful use of the object of related rights. Such temporary reproduction of the object of related rights is allowed provided that it has no independent economic value;

5) private copying of lawfully published performances recorded in phonograms, videograms, as well as copies of phonograms, videograms. The specifics and procedure for payment of remuneration for private copying are determined by the [Law of Ukraine](#) "On Effective Management of Property Rights of Right Holders in the Field of Copyright and (or) Related Rights."

2. The following use of objects of related rights shall be allowed without the permission of the respective related rights holder and free of charge, but with indication of the name of the performer, name (title) of the phonogram producer, videogram producer in accordance with [Article 37](#) of this Law concerning personal non-property rights of performers and non-property rights of phonogram producers, videogram producers, broadcasting organizations:

1) use of quotations from recorded performances, phonograms, videograms, recorded programs of broadcasting organizations to the extent that corresponds to the specified purpose, under the conditions stipulated by [paragraph 1](#) of part two of Article 22 of this Law regarding the free use of works;

2) the use of short excerpts of related rights objects as illustrations for the provision and implementation of the educational process or for the purpose of scientific research to the extent that corresponds to the specified purpose, if such use does not have independent economic value;

3) recording by means of photography, sound recording, video recording, public announcement of short excerpts of objects of related rights seen or heard during current events in order to cover such events to the extent that corresponds to the defined information purpose;

4) use of phonograms in cases stipulated by [Article 23](#) of this Law on the free use of works for persons with disabilities related to perceiving printed information;

5) adaptation of videograms by means of audio description (audio commentary);

6) use of objects of related rights by libraries, museums with open access to visitors, archives or organizations for maintaining audio and video recordings in cases stipulated by [Article 24](#) of this Law on free use of works.

3. The list of free use of objects of related rights specified in this Article is exhaustive.

4. Exceptions and restrictions of economic rights to objects of related rights may be applied only in cases stipulated by parts [one](#) and [two](#) of this Article, provided that they do not harm the normal use of such objects and do not unreasonably restrict the legitimate interests of the respective related rights holders.

#### **Article 44.** Orphan objects of related rights

1. The use of orphan phonograms, videograms and performances recorded therein by libraries, museums with open access to visitors, archives, or organizations for maintaining audio and video recordings is permitted.

2. The conditions for the loss of orphan status by phonograms, videograms and performances recorded therein shall be determined by [part three](#) of Article 29 of this Law concerning orphan works.

3. The procedure and conditions for the permitted use of orphan phonograms, videograms and performances recorded therein, including the procedure and conditions for taking measures for identification and proper search of the respective related rights holders, acquisition, and loss of the status of an orphan performance, phonogram, videogram, as well as for keeping the respective register of orphan works, shall be determined by the Cabinet of Ministers of Ukraine.

#### **Article 45.** Term of validity of related rights

1. The intellectual property right to a performance shall be effective from the moment of performance. The term of validity of intellectual property rights to a performance shall expire in 50 years, calculated from January 1 of the year following the year of performance. If the recording of the performance is lawfully made public within this period, the term of validity of the intellectual property rights in the performance shall expire in 50 years, calculated from January 1 of the year following the year of making it public.

2. The intellectual property right to a phonogram shall be effective from the moment of production of the phonogram. The term of validity of intellectual property rights to a phonogram shall expire in 50 years, calculated from January 1 of the year following the year of production of the phonogram. If the phonogram is lawfully made public during this period, the term of validity of intellectual property rights to the phonogram shall expire in 50 years, calculated from January 1 of the year following the year of making it public.

3. The intellectual property right to a videogram shall be effective from the moment of the videogram production. The term of validity of intellectual property rights to a videogram shall expire in 50 years, calculated from January 1 of the year following the year of the videogram production. If the videogram is lawfully made public during this period, the term of intellectual property rights to the videogram shall expire in 50 years, calculated from January 1 of the year following the year of making it public.

4. The intellectual property right to a program of a broadcasting organization shall be valid from the moment of the first broadcast of the program of a broadcasting organization. Intellectual property rights to a broadcasting organization program shall expire in 50 years, calculated from January 1 of

the year following the year of the first broadcast of the broadcasting organization program, regardless of the technical means used.

5. The personal non-property rights of performers, phonogram producers, videogram producers, broadcasting organizations stipulated in [Article 37](#) of this Law shall be protected for an indefinite period of time.

**Article 46.** Transfer of an object of related rights to the public domain. Protection of personal non-property rights of performers, phonogram producers, videogram producers, broadcasting organizations

1. The expiration of property rights to an object of related rights means that it enters the public domain.

The objects of related rights that have fallen into the public domain may be freely used by any person without payment of remuneration, provided that the rights of the relevant holders provided for in [Article 37](#) of this Law are observed.

2. The protection of personal non-property rights of a performer whose performance has passed into the public domain shall be exercised by the performer or under the conditions and in the manner stipulated by [part four](#) of Article 32 of this Law with respect to the protection of personal non-property rights of an author whose work has passed into the public domain.

The protection of non-property rights of a phonogram producer, videogram producer, broadcasting organization, whose object of related rights has entered the public domain, shall be exercised by the phonogram producer, videogram producer, broadcasting organization or (in case of death or termination of such person) by the holder of property rights to the phonogram, videogram, broadcasting organization program, respectively.

#### **Section IV. EXERCISE OF PROPERTY RIGHTS TO COPYRIGHT AND RELATED RIGHTS OBJECTS**

**Article 47.** Forms of exercising property Rights to copyright and related rights

1. The holder of copyright or related rights may exercise the economic rights belonging to him/her independently, through a representative or collective management organization.

2. The holder of copyright or related rights shall exercise the economic rights belonging to him/her at his/her own discretion, without violating the rights and legally protected interests of other persons.

Abuse of property rights to copyright and related rights is not allowed.

**Article 48.** Disposal of property rights to objects of copyright or related rights

1. The disposal of economic rights to objects of copyright or objects of related rights may be carried out on the basis of:

1) an employment agreement (contract) - in terms of the conditions for the distribution of property rights to a work for hire or work performance, a work phonogram, or a work videogram;

2) an agreement on the creation and use of a copyright or related rights object by order;

3) an agreement on the transfer (alienation) of property rights to an object of copyright or an object of related rights;

4) a license agreement for the use of copyright or related rights;

5) a public license for the use of copyright or related rights;

6) other transaction concerning the disposal of property rights to an object of copyright or an object of related rights.

The terms of transactions on disposal of economic rights to copyright or related rights objects regarding transfer (alienation) or granting permission for use (license) with respect to the economic right to fair remuneration provided for in [part three](#) of Article 12, [part three](#) of Article 38, [part three](#) of Article 39, [part](#) three of Article 40 of this Law, respectively, shall be void.

2. Transactions concerning the disposal of economic rights to copyright or related rights objects shall be concluded in written (electronic) form, except for the contract on the use of a work in periodicals (newspapers, magazines, electronic media, etc.), which may be concluded orally.

An agreement on the disposal of property rights to a copyright or related rights object shall specify the terms and conditions of the agreement:

1) information allowing to identify the relevant object (name and/or other characteristic features);

2) the amount of property rights to the relevant object transferred (granted) under the agreement;

3) the amount or method of determining the fee (remuneration) or indication of the gratuitous nature of the agreement.

3. The terms of agreements on the disposal of economic rights to copyright or related rights objects that restrict the right of the creator of such object to create (realize, produce) other copyright or related rights objects shall be void.

**Article 49.** Transfer (alienation) of property rights to copyright or related rights objects by contract

1. A copyright or related rights holder may assign (alienate) his/her economic rights to a copyright or related rights object envisaged respectively by [part one](#) of Article 12, [part](#) one of Article 38, [part](#) one of Article 39, [part](#) one of Article 40 of this Law to any other person in full on the territory of all states of the world or in part for certain uses on the territory of certain states of the world, or for all uses on the territory of certain states of the world. In case of transfer (alienation) of economic rights to a copyright or related rights object, partial economic rights to the extent not stipulated in the contract shall be deemed not transferred (alienated).

The subject matter of an agreement on the transfer (alienation) of property rights to copyright and related rights objects may not be objects and property rights that did not exist at the time of the agreement conclusion.

2. A person who acquires economic rights to a copyright or related rights object shall become a holder of economic rights within the scope of economic rights to such object acquired by him/her within the term of validity of the respective economic rights to such object stipulated by law. A provision of an agreement on the transfer (alienation) of economic rights to copyright or related rights for a term other than the term of validity of the acquired economic rights provided for by law shall be null and void.

A person transferring (alienating) proprietary rights to a copyright or related rights object shall provide the person acquiring such rights with information on the existence of license, sublicense agreements and other rights and obligations in respect of the rights to be transferred.

The conclusion of an agreement on the transfer (alienation) of property rights to copyright and related rights does not affect the validity of license and sublicense agreements that were previously concluded, unless otherwise provided by the relevant license agreement.

**Article 50.** License agreements for the use of copyright or related rights

1. Under a license agreement, one party (the licensor) grants the other party (the licensee) permission to use the copyright or related rights object in a certain way(s) for a certain period of time in a certain territory, and the licensee undertakes to pay a fee for the use of the object, unless otherwise provided by the agreement.

The licensor may be a copyright or related rights holder, and in cases stipulated by agreement or law, another authorized person, including a collective management organization.

The licensee may not use the copyright or related rights object in ways not expressly provided for in the license agreement.

2. A license agreement under which the licensor grants the licensee permission to produce and publish copies of a recorded or phonogrammed work, recorded performance, phonogram, videogram (copies of the respective objects) in the amount (circulation) capable of satisfying the reasonable needs of the public shall be a licensed publishing agreement. The licensee of a licensed publishing agreement that ensures publication of the copyright or related rights object specified in this part shall be deemed a publisher.

If a license publishing agreement specifies the circulation of copies of the relevant objects, and the licensee puts the entire circulation into civil circulation (sells it) before the expiration of such agreement, such agreement shall be terminated from the moment the said circulation is sold, unless the agreement provides otherwise.

If the license publishing agreement specifies the number of copies of the relevant objects, but the licensee has not put the entire circulation into civil circulation (sold) by the time the agreement expires, the licensee must pay the licensor the remuneration provided for in such agreement in full before the agreement expires, unless the agreement provides otherwise.

If a license publishing agreement provides for a limited circulation of an edition of a copyright or related rights object, the licensee has the right to reproduce a greater number of copies of such object than provided for in such agreement solely for the purpose of the licensee's compliance with the requirements of the [Law of Ukraine](#) "On Mandatory Copies of Documents."

If a license publishing agreement for the publication or other reproduction of a work determines remuneration in the form of a fixed amount of money, the agreement must specify the maximum circulation of the work.

3. In cases stipulated by a license agreement, a licensee may grant permission to use a copyright or related rights object to another person (sublicensee) based on a sublicense agreement to the extent that may not exceed the scope of rights granted to the licensee under the license agreement, in particular, with regard to the territory and term of validity of the sublicense agreement.

The sublicensee shall have the right to enter into further sublicense agreements if such authority is provided for such subsequent sublicensees in the main license agreement.

4. If the license (sublicense) agreement does not specify the type of license, it shall be deemed that the license is non-exclusive.

If the license agreement does not specify the territory of the license agreement (license), the license shall be valid on the territory of Ukraine.

If the license agreement does not specify the term for which the license agreement (license) applies, the agreement shall be deemed concluded for the remaining term of the exclusive property right to the intellectual property object specified in the agreement, but not more than for five years. If, six months before the expiration of the said five-year term, neither party notifies the other party in writing of its withdrawal from the agreement, the agreement shall be deemed extended for an indefinite period. In this case, either party may terminate the agreement at any time by notifying the other party in writing six months prior to termination, unless a longer notice period is agreed upon by the parties.

The licensee (sublicensee) shall exercise their powers only subject to the observance of personal non-property rights of the author and/or performer, non-property rights of the phonogram producer and/or videogram producer and/or broadcasting organization in accordance with [Articles 11](#) and [37](#) of this Law.



5. Unless otherwise provided for in the license agreement, the licensee shall have the right to:

1) perform actions of an auxiliary nature (other auxiliary uses) in relation to the types of property rights to the respective copyright and/or related rights objects specified in such an agreement, if without performing such actions the licensee's exercise of the rights and obligations stipulated by the agreement is objectively impossible or significantly complicated;

2) engage a third party (third parties) under their own responsibility without the right to enter into a sublicense agreement (sublicense agreements), if without the participation of such third party (third parties) the licensee's exercise of the rights and obligations stipulated by the agreement is objectively impossible or significantly complicated.

**Article 51.** Public license to use an object of copyright or an object of related rights

1. A copyright holder or a holder of related rights may grant permission to use an object of copyright or an object of related rights by any person under the conditions determined by him/her (public license).

A public license is issued by publishing its terms and conditions together with the possibility of remote familiarization with the relevant copyright or related rights object to an unlimited number of persons using information and telecommunication systems.

2. A person who uses a copyright or related rights object based on a public license shall be obliged to comply with the terms and conditions set by the copyright or related rights holder on which the license was issued.

3. The terms of a public license may stipulate that such a license is irrevocable. In this case, a public license shall be valid for the entire term of validity of economic copyrights or related rights and may be terminated early only in respect of a person who has violated the conditions specified in [part two](#) of this Article.

4. A public license is non-exclusive. Exclusive and single public licenses shall be void.

5. A public license that does not provide for the payment of remuneration for the use of copyright and/or related rights or provides that such payment may be made by the licensee voluntarily, at his/her own discretion, shall be deemed gratuitous.

**Article 52.** Collective management of economic rights in copyright and related rights

1. Collective management of economic rights in copyright and related rights objects shall be carried out by collective management organizations in accordance with the law.

## **Section V. PROTECTION OF COPYRIGHT AND RELATED RIGHTS**

**Article 53.** Grounds for protection of copyright and related rights

1. The grounds for the protection of personal non-property and/or property copyright and related rights are any violation, non-recognition or contestation of such rights, as well as the creation of a threat of violation of such rights.

2. The infringement of personal non-property and/or property copyright and related rights includes, in particular

1) plagiarism - the publication of a work or a part thereof in an unchanged or modified form, including the publication of a translation of a foreign language work or a part thereof, under the name of a person who is not the author of the work;

2) use of a copyright or related rights object, if such actions do not fall under the cases of free use of copyright or related rights objects provided for by this Law, without the permission of the holders of such rights, including:

piracy in the field of copyright and related rights - reproduction, importation into the customs territory of Ukraine, exportation from the customs territory of Ukraine and distribution of pirated copies of works (including computer programs and databases), phonograms, videograms, illegal use of broadcasting programs, camcording, as well as Internet piracy, i.e. illegal use of copyright and/or related rights objects using the Internet;

importation of copies of works (including computer programs and databases), phonograms, videograms, recordings of broadcasting organization's programs into the customs territory of Ukraine without the permission of copyright and/or related rights holders;

camcording - recording of an audiovisual work during public demonstration of an audiovisual work in cinemas and other film viewing facilities by persons in the same premises where such public demonstration takes place, for any purpose without the permission of copyright or related rights holders whose objects constitute the audiovisual work;

3) use of a copyright or related rights object, if such actions do not fall within the cases of free use of copyright or related rights objects provided for by this Law, with the permission of the holder of such rights, but in violation of the terms and conditions under which such permission was granted (exceeding the circulation stipulated by the contract, using the object in a manner not provided for by the contract, violation of the terms of a public license, etc.);

4) abuse of office by officials of a collective management organization, which resulted in non-payment or improper distribution and payment of remuneration to a copyright or related rights holder;

5) any actions aimed at unauthorized circumvention of technological means of protection of copyright or related rights, including cardsharing, as well as producing, advertising, distribution, importation for the purpose of distribution and use of means for such circumvention;

cardsharing - the provision of access in any form and by any means to a broadcasting program, access to which is restricted by a copyright holder or a holder of related rights by using technological means of protection (subscriber card, code, etc.) or in any other way, bypassing such forms of protection, as a result of which such broadcasting program can be perceived by the public;

6) falsification, alteration or removal of information on rights management (information identifying a copyright or related rights object and the author or other person holding copyright and/or related rights to this object, or information on the terms of use of a copyright and/or related rights object, or any numbers or codes, in which such information is presented, when any of these elements of information is attached to a copy of the copyright and/or related rights object or is included therein or appears in connection with its communication to the public), in particular in electronic (digital) form, without the permission of the respective copyright or related rights holder;

7) import, distribution of copies of copyright and/or related rights objects from which information on rights management has been removed or changed, in particular in electronic (digital) form, without the permission of the owners of these objects;

8) managing a website that, by indexing the metadata of a work or object of related rights and providing a search engine, allows users of this website to find and distribute a work or object of related rights within a peer-to-peer network without violating the property rights of copyright and/or related rights holders.

3. Actions that pose a threat of infringement of personal non-property and property copyright and related rights are, in particular:

1) distribution, importation into the customs territory of Ukraine of technical devices, equipment that includes a computer program and provides users with access to copyright and/or related rights without the permission of the relevant copyright holders or related rights holders (including when a computer program, applications and add-ons to it, technologies or technical devices use signals from other Internet resources);

2) setting up a computer program, applications, applications to them, technologies, technical devices that provide access to copyright and/or related rights objects without the permission of the relevant copyright holders or related rights holders of such objects (including when a computer program, applications and applications to it, technologies or technical devices use signals from other Internet resources);

3) providing instructions for setting up a computer program, applications and add-ons to it, technologies, technical devices to gain access to copyright and/or related rights objects without the permission of the relevant copyright holders or related rights holders of such objects in any form for the purpose of receiving remuneration from the provision of such instructions.

The provisions of this Part shall not apply to the cases envisaged by [Articles 22-29, 43-44](#) of this Law, as well as to works and objects of related rights that have fallen into the public domain, if copyright and/or related rights holders have granted a person using a lawfully made copy of a copyright or related rights object the right to take actions to circumvent technological means of protection - a copy.

#### **Article 54.** Protection of rights of copyright and related rights holders

1. Personal non-property and property rights of copyright holders and/or related rights holders shall be protected in accordance with the procedure established by administrative, civil and criminal legislation.

#### **Article 55.** Civil-legal protection of copyright and related rights

1. In accordance with the established procedure, the right to apply to the court and other authorities in accordance with their competence for protection of copyright or related rights, as well as sui generis rights, shall be granted to the following persons:

1) copyright or related rights holders to protect their copyright or related rights;

2) persons who are granted the exclusive right to use copyright and/or related rights objects and/or who are entitled to receive a share of remuneration for the use of copyright and/or related rights objects, in order to protect their rights and/or legally protected interests under an agreement with a copyright or related rights holder from unlawful infringement by any third party of the rights of such licensee or the rights of the recipient of a share of the said remuneration;

3) collective management organizations in accordance with the order of the right holders-contractors for voluntary collective management in accordance with the [Law of Ukraine "On Effective Management of Property Rights of Right Holders in the Field of Copyright and \(or\) Related Rights,"](#) taking into account the scope of their activities specified in the register of collective management organizations;

4) accredited collective management organizations, taking into account the scope of their accreditation specified in the register of collective management organizations;

5) persons holding a special kind of right (sui generis).

2. The persons referred to in [part one](#) of this Article shall have the right to apply to court for protection of copyright and/or related rights with any claims not prohibited by law, in particular, for

1) recognition of copyright or related rights;

2) restoring the situation that existed before the violation;

3) termination and/or prohibition of actions that infringe copyright and/or related rights or pose a threat of infringement;

4) recovery of remuneration stipulated by the legislation on copyright and related rights;

5) compensation for moral damage;

6) compensation for damages caused by infringement of copyright or related rights, including lost profits, or recovery of income received by the infringer as a result of infringement of copyright or related rights, or recovery of compensation;

7) termination of preparatory actions for infringement of copyright and/or related rights, including by suspending customs procedures, if there are grounds to believe that pirated copies of works, phonograms, videograms, means of circumvention of technological means of protection of copyright and/or related rights, etc. may be allowed to enter the customs territory of Ukraine or leave the customs territory of Ukraine;

8) publishing in mass media, at the expense of the infringer, data on infringements of copyright and/or related rights and court decisions on such infringements;

9) taking other measures provided for by law related to the protection of copyright and/or related rights.

3. The court has the right to decide on:

1) compensation for moral (non-pecuniary) damage caused by infringement of copyright and/or related rights, with the amount of compensation determined;

2) compensation for damages caused by infringement of copyright and/or related rights;

3) recovery from the infringer of copyright and/or related rights of the income received as a result of the infringement;

4) recovery of compensation (one-time monetary penalty) determined by the court instead of compensation for damages or recovery of income at the discretion of the copyright holder and/or related rights holder in the amount of 2 to 200 minimum subsistence levels for able-bodied persons or as a fixed double, and in case of willful infringement - triple amount of remuneration that would have been paid for granting permission to use the copyright or related rights object in dispute; at the request of the persons referred to in [paragraphs 2-5](#) of part one of this Article - as a fixed double, and in case of willful infringement - triple amount of remuneration that would have been paid for granting a permit for the use of the respective object over which the dispute arose.

The amount of compensation should be effective, proportionate and dissuasive, aimed at restoring the violated rights and applied in such a way as to avoid creating obstacles to the legitimate activities of the user and at the same time provide protection against abuse of the user.

In determining the amount of compensation, the court takes into account the duration and systematic nature of the violation, the scope of the violation (including the territory of its distribution), the area of business and the intentions of the violator, fault and its forms, as well as other objective circumstances;

5) termination and prohibition of publication of works, performances, phonograms, videograms, seizure (confiscation) of pirated copies of works, phonograms, videograms or recordings of programs of broadcasting organizations and equipment and materials intended for their production and reproduction, publication of information in the press about the infringement, etc., if the court proceedings prove the fact of infringement of copyright and/or related rights or the fact of actions that pose a threat of infringement of such rights.

4. The court may decide to impose a fine on the violator in the amount of 10 percent of the amount awarded by the court in favor of the plaintiff. The amount of fines shall be transferred to the state budget in accordance with the established procedure.

5. The court may order the seizure or confiscation of all pirated copies of works, phonograms, videograms or recordings of broadcasting organization's programs, which are found to have been produced or distributed in violation of copyright and/or related rights, as well as means of circumventing the technological means of protection of copyright or related rights. This also applies to all clichés, matrices, forms, originals, magnetic tapes, photographic negatives and other items with

the help of which copies of works, phonograms, videograms, recordings of broadcasting programs are reproduced, as well as materials and equipment used for their reproduction and for the manufacture of means of circumventing technological means of protection of copyright or related rights.

Upon a court decision, seized pirated copies of copyright and/or related rights objects may be transferred to such person at the request of a person who is a copyright or related rights holder and whose rights have been infringed. If this person does not demand such transfer, pirated copies shall be destroyed at the expense of the infringer, and materials and equipment used for reproduction of pirated copies shall be alienated with the proceeds transferred to the state budget.

The court may order the confiscation of materials and equipment used to reproduce pirated copies of copyright and/or related rights objects and their destruction at the expense of the offender.

6. The provider of intermediate services in the information sphere shall be liable for the content of the transmitted and received information and for the damage caused to copyright holders and/or related rights holders as a result of using the results of such services on a general basis, provided that there are no circumstances in its actions that exempt it from liability established by the [Law of Ukraine "On Electronic Commerce,"](#) taking into account the specifics provided for in [Articles 56-58](#) of this Law.

**Article 56.** The procedure for terminating violations of copyright and related rights by means of the Internet

1. In case of violation of copyright and/or related rights committed by any person using the Internet, the copyright holder or the holder of related rights (hereinafter referred to as the applicant) shall have the right to apply to the owner of the website (the person who holds the account and establishes the terms and conditions of use of the website, or the registrant of the respective domain name used to access the website), and/or the recipient of hosting services (in the absence of evidence to the contrary), and/or the owner of the web page (the person who owns the account used to host the web page on the website and who manages and/or posts digital content within such web page), where the relevant digital content is posted or otherwise used, with an application to terminate the infringement of copyright and/or related rights.

The application for terminating the violation shall be filed in accordance with the procedure provided for in this Article.

The web page owner, even if he/she has an account that allows him/her to post and manage information on the web page independently of the website owner, is not considered to be the website owner.

2. The application for termination of copyright and/or related rights violation shall contain:

1) information about the applicant necessary for his/her identification: name (surname), place of residence (stay) or location, e-mail address or postal address to which the website owner or other persons shall send information in the cases provided for by this Law; for applicants who are legal entities - identification data on the registration of the legal entity in the country of location, in particular in the trade, banking, judicial or state register, including the details of the register, registration number;

2) the type and name of copyright and/or related rights objects, other information that makes it possible to identify the object of violation of the right referred to in the application;

3) a reasoned statement, specified in the relevant application, that the applicant has property rights to the copyright object or object of related rights or exclusive rights to use such object with reference to the grounds for the emergence of such rights or exclusive rights and the term of validity of such rights (the grounds shall not be specified if the applicant is the primary holder of the relevant property rights);

4) hyperlinks to electronic (digital) information posted or otherwise used on the website, or hyperlinks to the webpage to which the copyright or related rights object infringement claimed in the application was interactively accessed;

5) a demand to the website owner to prevent access to digital content on the website and/or a demand to the website owner and content exchange service provider to prevent them from further posting the said digital content on the website;

6) information about the hosting service provider that provides services and/or resources for placing the respective website or parts thereof on the Internet and providing access to them via the Internet, namely: name; e-mail address or postal address to which the website owner or other persons should send information in the cases provided for by this Law. A website owner who places his/her website or a part thereof on the Internet on his/her own resources and/or independently provides access to it using the Internet, which enables other persons to place digital content on his/her website, is a hosting service provider;

7) the applicant's statement that the information provided in the application is reliable, and the existence of the rights claimed to be violated has been verified by the attorney or representative in intellectual property matters (patent attorney), through whose representation (mediation) the application is filed.

The applicant, who is a legal entity, shall file an application for terminating the violation only with the representation (mediation) of an attorney or intellectual property representative (patent attorney). The attorney or intellectual property representative (patent attorney) shall send the relevant application, provided that the applicant is identified, his/her contact details are established and the applicant's documents confirm that the applicant has the rights the termination of the violation of which is demanded.

A copy of one of the documents certifying the powers of an attorney or representative in intellectual property matters (patent attorney) in accordance with the law shall be attached to the application for terminating the violation.

The applicant (the applicant's official) shall be liable for providing knowingly false information regarding the existence of property rights to the copyright or related rights object the violation of which is referred to in the application.

A cease and desist notice shall be sent to the owner of the website and/or webpage with a copy sent to the hosting service provider that provides services and/or resources for hosting the relevant website.

3. In the absence of circumstances stipulated by [part four](#) of this Article, the owner of a website and/or webpage shall immediately, no later than 48 hours after receiving the application for terminating copyright and/or related rights violation, subject to [part four](#) of this Article, make access to the digital content in respect of which the application was filed impossible and notify the applicant and the hosting service provider about the measures taken in accordance with the requirements of this Article.

4. The website and/or web page owner who has received an application for terminating the copyright and/or related rights violation may refuse to satisfy it if:

1) he/she has the right to use the digital content specified in the application and has provided documentary evidence (except if he/she is the primary holder of the relevant property rights) of the existence of the relevant property rights or powers;

2) the application for terminating the violation was executed in violation of the requirements set forth in this Article.

5. Upon refusal to satisfy the application for termination of copyright and/or related rights violation on the grounds stipulated by [part four](#) of this Article, the website and/or webpage owner shall, within 48 hours from the moment of its receipt, send a notice of refusal to the applicant as well

as to the hosting service provider according to the information specified in the respective application in accordance with [paragraph 6](#) of part two of this Article.

The refusal notice must contain the following information:

1) information about the owner of the website and/or webpage to the extent sufficient to file a claim: name (surname) of the website and/or web page owner; place of residence (stay) or location, e-mail address or postal address; if the website owner is a legal entity, identification data on the registration of the legal entity in the country of location, in particular in a trade, banking, court or state register, including details of the register, registration number;

2) indication of the digital content in respect of which prevention of access was denied;

3) indication of the grounds for refusal to satisfy the application for terminating the violation in accordance with [part four](#) of this Article.

6. If the website owner who has received a request for terminating copyright and/or related rights violation is not the owner of the web page containing the digital content regarding which the request for preventing access is made, the rights and obligations between the website owner and the applicant shall be established considering the specifics stipulated by this Part.

The website owner shall promptly, no later than 24 hours after receiving the application for terminating the violation, send a copy thereof to the web page owner by e-mail or other notification system accepted by the relevant website. The application shall be sent using the contact details that the owner of the web page provided to the website owner.

The website owner, at the same time as sending the application for terminating the violation to the web page owner, shall send the applicant a notice informing him/her that he/she is not the owner of the web page, specifying the time of sending a copy of the application to the web page owner and providing a hyperlink to the terms of the public agreement, which determines the rules for the use of the website by third parties.

The web page owner shall consider the application for terminating the violation received from the website owner and shall respond to the website owner in the manner and within the time limits established by parts three to [five](#) of this Article, with a hyperlink to the web page where the relevant digital content is posted. In doing so, the web page owner shall exercise the rights and fulfill the obligations established for the website owner by parts three through five of this Article.

The website owner shall, within 24 hours of receiving a response to the application for terminating the violation from the web page owner, send it to the applicant and the hosting service provider using the details specified in the relevant application. If within 48 hours from the date of sending the application for terminating the violation to the web page owner the web page owner has not sent the website owner a notice of refusal in accordance with part five of this Article, the website owner shall independently prevent access to the digital content specified in the application for terminating the violation. The website owner shall notify the applicant and the hosting service provider of the measures taken within 96 hours from the date of receiving the application for terminating the violation by the website owner and provide information about themselves to the extent specified in [part five](#) of this Article.

If within 48 hours from the moment of sending the application for terminating the violation to the web page owner the web page owner has provided the website owner with a notice of refusal in accordance with [part five](#) of this Article, a copy of such notice shall be sent by the website owner to the applicant not later than 96 hours from the moment of receiving the application for terminating the violation by the website owner.

7. The Applicant shall have the right to apply directly to the hosting service provider that provides services and/or resources for hosting the respective website with an application to terminate the violation of copyright and/or related rights committed by the website owner in such cases:

1) if the website owner has failed to perform or has performed incompletely the actions stipulated by parts [three](#) or [five](#) of this Article within the time limits established by this Article, or if the website owner who is not the owner of the web page has failed to perform or has performed incompletely the actions stipulated by [part six](#) of this Article;

2) if the website and public databases of domain name records (WHOIS) do not contain information about the website owner to the extent that it allows to apply to him/her with an application to terminate the violation provided for in [part two](#) of this Article. Such information shall include details about the e-mail address for communication with the website owner and other information provided for in [part eleven](#) of this Article.

The application for terminating the violation committed by the website owner shall contain justification of the grounds for applying to the hosting service provider provided for in [paragraphs 1](#) or [2](#) of this part.

The applicant shall apply to the hosting service provider, which provides services and/or resources for hosting the respective website, with the relevant application represented (mediated) by an attorney or intellectual property representative (patent attorney). The intellectual property attorney or representative (patent attorney) shall send the application, subject to identification of the applicant, establishment of his/her contact details, confirmation of the fact that the applicant has the rights, the termination of the violation of which is referred to in the relevant application by the documents provided by the applicant.

The application for terminating the violations committed by the website owner shall contain the information provided for in clauses [1](#), [4](#), [5](#), [7](#) of part two of this Article. A copy of one of the documents certifying the attorney's authority to provide legal assistance to the applicant or the authority of a representative in intellectual property matters (patent attorney) shall be attached to the application.

In the cases stipulated by clause [1](#) of this part, the application shall specify the time of sending the application for terminating the violation to the website owner and hosting service provider, the time when the website owner should have taken the actions stipulated by this Article, as well as an explanation of how the applicant determined the contact details of the website owner.

In the absence of grounds for leaving the application for terminating the violation by the website owner without consideration established by [part eight](#) of this Article, the hosting service provider shall immediately, no later than 24 hours after receiving such application, send a copy of it to the website owner. When sending a copy of the application to the website owner, the hosting service provider shall explain to the website owner his/her rights and obligations related to such application, as well as the legal consequences of failure to perform the actions stipulated by this Article.

The website owner shall, within 24 hours of receiving a copy of the application for terminating the violation from the hosting service provider, take the actions stipulated by paragraphs [three](#) or [five](#) of this Article and notify the hosting service provider thereof by sending a notice of measures taken in accordance with the requirements of paragraph [twelve](#) of this Article or a notice of refusal in accordance with paragraph [five](#) of this Article.

If within 24 hours from the moment of sending a copy of the application for terminating the violation to the website owner the website owner does not take the actions stipulated by [paragraph eight](#) of this part, the hosting service provider shall independently prevent access to the digital content specified in the application for terminating the violation committed by the website owner. The hosting service provider shall notify the applicant and the website owner of the measures taken within 48 hours from the moment the hosting service provider receives the application for terminating the violation committed by the website owner.

If the applicant is unable to establish the correct data sufficient to properly submit an application for terminating the violation, such applicant may contact the Institution for assistance in identifying the website owner and/or the hosting service provider.



8. The hosting service provider shall be entitled to leave without consideration the application for termination of copyright and/or related rights violation committed by the website owner if:

- 1) the application does not meet the requirements set forth in [part seven](#) of this Article;
- 2) the hosting service provider does not provide services or resources for hosting the website in respect of which the application has been submitted;
- 3) the applicant has applied to the hosting service provider in the absence of the grounds provided for in [part seven](#) of this Article.

The hosting service provider shall notify the applicant of the dismissal of the application for terminating the violation, indicating the relevant legal grounds provided for in this Part, within 24 hours of receipt thereof.

If the applicant does not receive a timely response to a duly executed and sent application from the website owner and/or hosting service provider on the measures taken to terminate the violation or a notice of rejection of the application, such applicant shall apply to the Institution with copies and supporting documents to consider initiating the prosecution of the relevant website owner and/or hosting service provider.

9. The website owner has the right to address the hosting service provider from whom he/she has received information about the measures taken in accordance with [part seven](#) of this Article with a notice of refusal in accordance with part five of this Article, demanding restoration of access to the digital content. If such notification meets the requirements set forth in part five of this Article for a notification of refusal, the hosting service provider shall promptly, no later than 48 hours after receiving it, send a copy of such notification to the applicant. If the notification does not meet the requirements set forth in [part five](#) of this Article for a notification of refusal, the hosting service provider shall inform the website owner thereof.

10. The hosting service provider shall restore access to the digital content on the tenth business day from the date of sending a copy of the notice provided for in [part nine](#) of this Article to the applicant, unless within this time the applicant has provided the hosting service provider with confirmation of the commencement of court proceedings for the protection of his/her rights to the copyrighted object(s) and/or related rights placed as digital content in respect of which the application for terminating the violation was filed.

11. Website owners and hosting service providers, except for individuals who are not business entities, are obliged to make the following reliable information about themselves freely available on their websites and/or in public databases of domain name records (WHOIS):

- 1) full name or name of the website owner and hosting service provider;
- 2) the full address of the place of residence or location of the website owner and hosting service provider;
- 3) contact information of the website owner and hosting service provider, including e-mail address, telephone number, by which they can be contacted promptly.

Individuals who are not business entities shall make freely available on the websites they own or in public databases of domain name records (WHOIS) the contact information of the website owner provided for in [clause 3](#) of this part.

12. The notification of measures taken, which is sent to the applicant in accordance with this Article, shall, inter alia, contain accurate and complete information about the website owner specified in the application.

If the notification of the measures taken is sent by the hosting service provider, the notification must also contain information about this provider and the full information provided to it by the website owner without any changes or distortions. Information about the website owner consists of

information about his/her full name, address of residence (location), address for correspondence, telephone number, e-mail address and, if available, other contact information for communication.

If a notice of refusal is received from the website owner (or the owner of a web page in the course of the procedures stipulated by parts [six](#) or [seven](#) of this Article), a copy of the notice of refusal shall be attached to the notice of action taken.

13. On the basis of this Law, it is allowed to prevent access exclusively to the digital content specified in the application for termination of copyright and/or related rights violation.

If access to the digital content cannot be prevented for technical reasons, the website owner or hosting provider may prevent access to the web page containing the relevant digital content.

14. An application for terminating the violation of copyright and/or related rights and an application for termination of the violation by the website owner shall be made in writing in paper and/or in an electronic format.

The application in an electronic format shall be executed in accordance with the requirements of the legislation in the field of electronic documents and electronic document management with the obligatory imposition of a qualified electronic signature of an attorney providing legal assistance to the applicant or an intellectual property representative (patent attorney). Simultaneously with the submission of such an application in an electronic format, the applicant shall send a copy of it in the usual electronic form without affixing an electronic digital signature to the same address.

If the application in an electronic format with a qualified electronic signature of an attorney or intellectual property representative (patent attorney) differs in content from the application in a regular electronic format sent to the same addressee, such application shall be deemed to be submitted.

The application in paper form shall be executed with the obligatory handwritten signature of an attorney or representative in intellectual property matters (patent attorney) and sent by registered mail with acknowledgment of receipt.

The date and time of receipt of the application provided for in this Article shall be deemed to be the date and time of receipt of the application:

if sent by e-mail, the date and time of sending by electronic means;

if sent by registered mail with return receipt requested, the date and time specified in the return receipt requested.

If the addressee refuses to receive the application or is absent at the specified address, the day and date of receipt of the application shall be the day and date of the postal operator's stamping of information on the addressee's refusal to receive the application or information on the absence of the addressee at the specified address in the notice of delivery.

The response (notification) to the application, sending a copy of the application provided for in this Article shall be made in writing in paper and/or electronic format.

The date and time of receipt of the response (notification) to the application provided for in this Article and/or the submitted application shall be deemed to be the date and time of receipt of the response (notification):

if sent by e-mail, the date and time of sending by electronic means;

if sent by registered mail with return receipt requested, the date and time specified in the return receipt requested.

If the addressee refuses to receive a response (notification) to the application or is absent at the specified address, the day and date of receipt of the response (notification) to the application is the day and date of the postal operator's stamping in the notice of delivery of information about the

addressee's refusal to receive a response (notification) to the application or information about the absence of the addressee at the specified address.

15. The owner of a website or web page shall not be liable for violation of copyright and/or related rights committed through the use of the Internet if he/she has taken the actions stipulated by [part three](#) of this Article in a timely manner.

The provisions of the [first paragraph](#) of this part shall not apply if:

1) within three months, the owner of the website, despite the received and satisfied applications for terminating the violations, has allowed at least two cases of use of the same copyright or related rights object on one or more web pages owned by him/her on the same website;

2) the owner of the web page, who is not the owner of the website, has allowed at least two cases of use of the same copyright or related rights object on the same website within three months, despite the applications for terminating the violations received and satisfied by him/her.

16. If an application for terminating copyright and/or related rights violation is submitted to a person who is not the owner of a website and/or web page, such person shall, within 24 hours from the moment of receipt of the request, notify the applicant that the request is left without consideration, specifying the legal grounds provided for in this Part.

**Article 57.** Obligations of hosting service providers to ensure protection of copyright and related rights using the Internet

1. Hosting service providers are obliged to stipulate in hosting service agreements the terms and conditions prohibiting service customers from taking actions to place digital content in violation of copyright and/or related rights of third parties, as well as to oblige service customers to provide accurate and correct information about themselves, including their contact details, and in case of their change, to immediately inform about it in accordance with the procedure established by law.

2. The hosting service provider shall not be liable to the customer of hosting services for the consequences of taking measures provided for in [Article 56](#) of this Law, provided that the requirements provided for in [part one](#) of this Article are met.

The hosting service provider shall not be liable for infringement of copyright and/or related rights, provided that the requirements stipulated in [Article 55](#) of this Law are met.

**Article 58.** Liability of content exchange service providers for infringement of copyright and/or related rights

1. Website owners whose sole or one of the main types of services is storage and provision of public access to a significant number of copyright and/or related rights objects posted by users on websites that are organized and popularized by such website owners (content sharing service providers), depending on the nature of such services, shall provide such services by means of interactive provision of access and/or public notification of copyright and/or related rights objects.

2. Content sharing service providers, in case they do not have the appropriate permission to use copyright and/or related rights objects by means of interactive provision of access and/or public notification of copyright and/or related rights objects, shall be liable for copyright and/or related rights violation regardless of fulfillment of obligations imposed on hosting service providers [by Articles 56-57](#) of this Law, taking into account the specifics defined in this Article.

3. Content sharing service providers shall not be liable for violation of copyright and/or related rights, provided that they

1) take all possible measures to obtain the relevant permit;

2) take all possible measures to prevent the exchange of content in respect of copyright and/or related rights objects in respect of which copyright holders and/or related rights holders have filed an

application in accordance with the procedure established by [Article 58](#) of this Law, demanding to prevent access to digital content and to prevent further posting of the relevant content on the website;

3) take measures to terminate violation of copyright and/or related rights using the Internet as provided for in [Article 58](#) of this Law, as well as to prevent re-posting of the relevant copyright and/or related rights objects on the website (web page), access to which was made impossible.

At the same time, in the absence of information received from copyright and/or related rights holders on violation of rights to specific objects of such rights, content sharing service providers are not obliged to carry out general monitoring of content, i.e., search for facts and circumstances indicating infringement of copyright and/or related rights.

4. In determining whether the appropriate measures provided for in [part three](#) of this Article have been taken, in particular, the following shall be taken into account:

1) the number of users of the relevant content sharing services;

2) the number of copyright and/or related rights objects used;

3) availability and effectiveness of technical means necessary for taking measures provided for in clauses [2](#) and [3](#) of part three of this Article.

5. Provisions of clauses [2](#) and [3](#) of part three of this Article shall not apply to content exchange service providers that have been operating for less than three years and whose annual income is less than UAH 10 million, unless the monthly average number of unique visitors to its website for the previous calendar year exceeds 5 million. At the same time, the content exchange service providers referred to in this paragraph shall be subject to the obligations provided for in clause [1](#) of part three of this Article, as well as the obligations imposed on content exchange service providers as hosting service providers provided for in [Articles 56-57](#) of this Law.

The provisions of [part three](#) of this Article shall not apply to content sharing service providers that participate in the selection of digital content that is illegally interactively made available to the public and/or that provide tools on their website specifically designed for the illegal use of digital content and/or deliberately facilitate such use, which can be confirmed by the fact that the content sharing service provider has adopted a financial model that encourages users of its website to illegally make interactive digital content available to the public.

6. At the request of copyright and/or related rights holders, content exchange service providers shall provide them with information on taking measures envisaged by [part three](#) of this Article, and if an agreement has been concluded with a copyright and/or related rights holder, information on the use of respective copyright and/or related rights objects in accordance with the agreement.

7. Providers of certain services, such as non-profit online encyclopedias, non-profit educational and scientific information repositories, platforms for the development and sharing of open source computer software, online marketplaces, business-to-business cloud services, and cloud services that allow users to place content in a repository for their own use, are not considered content sharing service providers for the purposes of this Article.

## **Section VI. FINAL AND TRANSITIONAL PROVISIONS**

1. This Law shall enter into force on the day following the day of its publication.

2. Recognize the [Law of Ukraine](#) "On Copyright and Related Rights" (Bulletin of the Verkhovna Rada of Ukraine, 1994, No. 13, Art. 64 as amended) as invalid.

3. Establish that from the date of entry into force of this Law:

1) the copyright term provided for in [Article 31](#) of this Law shall apply in cases where the copyright term in force before the entry into force of this Law has not expired before the day of entry into force of this Law;

2) the term of related rights provided for in [Article 45](#) of this Law shall apply in cases where the term of related rights in force before the entry into force of this Law has not expired before the date of entry into force of this Law.

4. Amend the following legislative acts of Ukraine:

1) in the [Civil Code of Ukraine](#) (Vidomosti Verkhovna Rada of Ukraine, 2003, Nos. 40-44, Art. 356):

in [Chapters 35, 37](#), the words "transfer (program)" in all cases and numbers shall be replaced by the word "program" in the appropriate case and number;

[part two](#) of Article 437 shall be amended to read as follows:

"2. Copyright holders may use a special sign established by law to notify of their property rights";

the text of [Article 438](#) shall be set forth in the following wording:

"1. The author of a work shall have personal non-property rights established by Article 423 of this Code and other laws."

[part one](#) of Article 439 shall be amended to read as follows:

"1. The author shall have the right to demand preservation of the work's integrity, to oppose any distortion, misrepresentation or other alteration of the work, including accompanying the work with illustrations, prefaces, afterword, comments, etc. without the author's consent."

parts [three](#) and [four](#) of Article 440 shall be set forth in the following wording:

"3. Intellectual property rights to a work created in connection with the execution of an employment agreement (contract) shall be transferred to the legal entity or individual where or for whom the author works from the moment the author creates the work for hire in its entirety, unless otherwise provided by the agreement or law.

4. Intellectual property rights to a work created by order shall be transferred to the customer from the moment the work is created in its entirety, unless otherwise provided by the agreement or law."

[Article 441](#) shall be amended to read as follows:

"**Article 441.** Enforcement of intellectual property rights to a work

1. Copyright holders may exercise their economic rights personally, through a representative or other authorized person, or through a collective management organization in accordance with the law."

in [Article 442](#):

the title, parts one and two shall be set forth in the following wording:

"**Article 442.** Making a work public

1. Any action that makes a work available to an unlimited number of persons for the first time shall be deemed to be making the work public.

2. A work may not be made public if it violates a person's right to privacy of his/her personal and family life, harms public order, physical and moral health of the population."

parts three and four shall be deleted;

[Articles 443-445](#) and [448](#) shall be amended to read as follows:

"**Article 443.** Use of a work with the permission of the copyright holder

1. A work may be used only with the permission of the copyright holder or other person authorized to grant such permission, except in cases of lawful use of a work without such permission, as provided by law.

**Article 444.** Public license to use a work

1. The copyright holder may grant permission for the use of a work by any person under the conditions determined by him/her (public license).

2. A person who uses a work under the public license shall be obliged to comply with the terms and conditions determined by the copyright holder under which the work was issued.

**Article 445.** The right to fair remuneration for the use of a work

1. The author has an inalienable right to a fair remuneration for the use of his/her work in the cases, in the amounts and on the conditions stipulated by law. The right to fair remuneration belongs to the author of the work, and after his/her death it passes to the author's heirs."

**"Article 448.** Resale right

1. The author shall have the inalienable right to receive fair remuneration as a share of deductions from each sale of the original artistic work, original manuscript of a literary or musical work following the sale of the original made by the author (resale right).

For the purposes of this Article, the originals of the works referred to in part one of this Article shall be equated with their copies produced in a limited number by the author or under his/her supervision, which are numbered, signed by the author or contain other markings certifying his/her authorship.

2. Resale right belongs to the author, and after his/her death it passes to the author's heirs and heirs of these heirs and is valid until the expiration of the intellectual property rights to the work.

3. The conditions for exercising the resale right are determined by law."

the text of [Article 450](#) shall be set forth in the following wording:

"1. The primary holders of related rights shall be a performer, a phonogram producer, a videogram producer, and a broadcasting organization. In the absence of evidence to the contrary, the performer, phonogram producer, videogram producer shall be deemed to be the persons whose names (titles) appear in the phonogram, videogram and their copies or on the packaging containing the copies of the phonogram, videogram."

in [Article 451](#):

part one shall be set forth in the following wording:

"1. Related rights arise as a result of a fact of:

- 1) performance;
- 2) production of a phonogram;
- 3) production of a videogram;
- 4) the first broadcast of the broadcasting organization's program";

parts two through four shall be deleted;

[clause 3](#) of part one of Article 452 shall be amended to read as follows:

"3) the exclusive right to prevent the unlawful use of the object of related rights, including the prohibition of such use";

[Articles 453-456](#) shall be set forth in the following wording:

**"Article 453.** Exercise of intellectual property rights in performances, phonograms, videograms, broadcasting programs

1. Related rights holders may exercise their economic rights personally, through a representative or other authorized person or through a collective management organization in accordance with the law.

**Article 454.** Use of a performance, phonogram, videogram, broadcasting program with the permission of a related rights holder

1. The use of a performance, phonogram, videogram, broadcasting program shall be carried out only with the permission of the respective related rights holder or other person authorized to grant such permission, except for cases of lawful use established by law.

**Article 455.** Public license to use an object of related rights

1. Related rights holders may grant permission to use the respective object by any person under the conditions determined by him/her (public license).

2. A person who uses an object of related rights on the basis of a public license shall be obliged to comply with the conditions determined by the related rights holder on which it was issued.

**Article 456.** Term of related property rights

1. The term of intellectual property rights to a performance shall expire in 50 years, calculated from January 1 of the year following the year of performance. If the performance record is lawfully made public during this period, the term of validity of intellectual property rights to performance shall expire in 50 years, calculated from January 1 of the year following the year of making it public.

2. Intellectual property rights to a phonogram or videogram shall expire in 50 years, calculated from January 1 of the year following the year of production of the phonogram or videogram. If a phonogram or videogram is lawfully made public during this period, the term of validity of intellectual property rights to a phonogram or videogram shall expire in 50 years, calculated from January 1 of the year following the year of making it public.

3. Intellectual property rights to a broadcasting organization's program shall expire in 50 years, calculated from January 1 of the year following the year of the first broadcast of the broadcasting organization's program, regardless of the technical means used."

part one of Article 1030 shall be supplemented with the words "except for intellectual property rights" after the words "property rights";

in [Article 1107](#):

in the title, replace the word "agreements" with the word "transactions";

in part one:

in the first paragraph, replace the word "agreements" with the word "transactions";

in clause 5, replace the word "agreement" with the word "transaction";

the first and second paragraphs of part two shall be amended to read as follows:

"2. A transaction on the disposal of intellectual property rights shall be concluded in writing (electronic form), except in cases specified by law.

In case of non-compliance with the written (electronic) form of the agreement on the disposal of intellectual property rights, such an agreement shall be null and void."

[part one](#) of Article 1108 shall be amended to read as follows:

"1. A person who has the exclusive right to authorize the use of an intellectual property object (licensor) may grant another person (licensee) permission to use this object in a certain limited area (license to use an intellectual property object).

The licensee shall not have the right to use the intellectual property object in a field other than that specified in the license for the use of the intellectual property object."

in [Article 1109](#) :

part one shall be set forth in the following wording:

"1. Under a license agreement, one party (the licensor) grants the other party (the licensee) permission to use the intellectual property object in a certain way(s) for a certain period of time in a certain territory, and the licensee undertakes to pay a fee for the use of the object, unless otherwise provided by the agreement."

in part eight, replace the words "license agreement for publication" with the words "license publishing agreement";

[Article 1113](#) shall be amended to read as follows:

**"Article 1113.** Agreement on the transfer of intellectual property rights

1. Under an agreement on the transfer of intellectual property rights, one party (a person who is the holder of intellectual property rights to an object of intellectual property) transfers to the other party partially or in full these rights in accordance with the law and on the terms and conditions specified in the agreement.

The subject matter of an agreement on the transfer of property rights cannot be objects and property rights that did not exist at the time of the agreement.

2. The terms of an agreement on the transfer of intellectual property rights for a period other than that specified by law, or that worsen the position of the creator of the respective object or his/her heirs as compared to the position provided for by this Code and other laws, or that restrict the creator's right to create other objects, shall be null and void.

3. The conclusion of an agreement on the transfer of intellectual property rights does not affect the license agreements that were concluded earlier.

4. Intellectual property rights shall be transferred to the acquirer under the agreement on the transfer of intellectual property rights from the moment of its conclusion, unless otherwise provided by the agreement or law.

Intellectual property rights, the acquisition of which in accordance with the provisions of this Code or any other law is linked to their state registration, shall be transferred to the acquirer under the agreement on the transfer of intellectual property rights from the moment of such state registration."

2) [Article 20](#) of the Law of Ukraine "On Publishing" (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 32, Art. 206; 2004, No. 16, Art. 238; 2014, No. 34, Art. 1172; 2019, No. 46, Art. 295; as amended by the Law of Ukraine of June 19, 2022, No. 2313-IX) shall be supplemented after part two with a new part of the following content:

"The publishers of encyclopedias, encyclopedic dictionaries, periodicals, newspapers, magazines and other periodicals shall have the right to use such publications as a whole. The publisher has the right to indicate their name (title) in any use of such publications or to require such indication."

In this regard, part three shall be considered part four;

3) [Article 6](#) of the Law of Ukraine "On Professional Creative Workers and Creative Unions" (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 52, p. 312; 2018, No. 46, p. 371) shall be supplemented with part six as follows:



"Creative workers who are authors and/or performers shall be guaranteed fair remuneration for the use of copyright or related rights in accordance with the procedure and on the terms and conditions established by law."

4) in the [Law of Ukraine](#) "On Cinematography" (Bulletin of the Verkhovna Rada of Ukraine, 1998, No. 22, Article 114, as amended):

[Articles 4](#) and [16](#) shall be amended to read as follows:

"**Article 4.** Regulation of relations arising in the course of production and use of a film as an object of copyright and related rights

The relations arising in the course of production and use of a film as an object of copyright and related rights, including a co-production product, shall be governed by this Law, the Law of Ukraine "On Copyright and Related Rights" and other regulatory legal acts of Ukraine.

A film co-production agreement concluded by a producer and/or film producer, including with foreign cinematography entities (co-production), is not a joint venture agreement."

"**Article 16.** Intellectual property rights to a film

Property copyrights and related property rights to a film may belong to the state, legal entities and individuals in accordance with the law or an agreement."

in [Article 17](#):

the title shall be amended to read as follows:

"**Article 17.** Ownership and storage of film source materials and film copies";

to supplement the new part one with the following content:

"Film source materials and film copies belong to the film producer and other persons in accordance with the law. The subjects of ownership of film source materials and film copies may be the state, legal entities and individuals."

In this regard, parts one through eight shall be considered parts two through nine, respectively;

in part four, the words "state property of Ukraine" shall be deleted;

5) in the [Law of Ukraine](#) "On the National Archival Fond and Archival Institutions" (The Bulletin of the Verkhovna Rada of Ukraine, 2002, No. 11, p. 81, as amended):

[Article 8](#) shall be supplemented by parts nine to eleven and a note as follows:

"The intellectual property right to intellectual property objects contained in archival documents does not depend on the ownership of the archival document as a material (including electronic (digital)) object in which they are contained or recorded. Exercise of ownership right to documents of the National Archival Fond may not violate or restrict intellectual property rights to intellectual property objects contained or recorded in such documents, except for cases specified by this Law. Storage and access to documents of the National Archival Fond and use of such documents in accordance with this Law shall not be a violation of the respective intellectual property right.

Monetary valuation of documents of the National Archival Fond does not constitute an assessment of intellectual property rights to intellectual property objects contained or recorded in such documents.

Intellectual property objects contained or recorded in the archival information of repressive bodies or in the archival information of structures and figures of the Ukrainian liberation movement may be used by reproduction, inclusion in other objects of copyright and related rights, publication without the consent (permission) of the owners of the relevant intellectual property rights.

Note. The term "archival information of repressive bodies" is used in the meaning given in the [Law of Ukraine](#) "On Access to Archives of Repressive Bodies of the Communist Totalitarian Regime."

Structures and figures of the Ukrainian liberation movement mean the authorities, organizations, structures and formations referred to in [part one](#) of Article 1 of the Law of Ukraine "On the Legal Status and Commemoration of Fighters for the Independence of Ukraine in the XX Century," as well as persons who participated in all forms of political, armed and other collective or individual struggle for the independence of Ukraine in the XX century as part of such authorities, organizations, structures and formations."

in [paragraph 5](#) of part one of Article 20, the words "and does not violate copyright and related rights" shall be deleted;

6) [Article 2](#) of the Law of Ukraine "On Touring Events in Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 2004, No. 7, Art. 56; 2014, No. 5, Art. 62; 2017, No. 45, Art. 404) shall be supplemented with part five as follows:

"A touring event on the territory of Ukraine with the planned use of copyright and/or related rights objects is allowed on the basis of an agreement concluded by the organizer of the touring event, which sets out the terms of payment of remuneration for the public performance of the relevant objects during the touring event."

7) in [Article 12](#) of the Law of Ukraine "On Theaters and Theater Business" (Bulletin of the Verkhovna Rada of Ukraine, 2005, No. 26, p. 350):

part two after the words "provided by the theater" shall be supplemented with the words "the rate of fair remuneration paid by theaters to authors, performers, and other appropriate copyright and/or related rights holders";

the sixth paragraph of part three shall be amended to read as follows:

"to enter into agreements on the disposal of property rights to intellectual property objects with authors, performers, other appropriate copyright and/or related rights holders or agreements with collective management organizations in accordance with the law";

8) [Section X](#) "Final Provisions" of the Law of Ukraine "On Television and Radio Broadcasting" (Bulletin of the Verkhovna Rada of Ukraine, 2006, No. 18, p. 155, as amended) shall be supplemented with paragraph 3 as follows:<sup>5</sup>

"3<sup>5</sup> . To establish that temporarily, during martial law, as well as within 12 months after its termination or cancellation, violation of the deadlines established by part three of Article 59 of this Law for submitting reports for the previous (reporting) year of activity is not a violation of this Law. At the same time, such reports must be submitted by broadcasting organizations within a period not exceeding 90 days from the date of completion of the relevant period."

9) in the [Law of Ukraine](#) "On Effective Management of Property Rights of Right Holders in the Field of Copyright and (or) Related Rights" (Bulletin of the Verkhovna Rada of Ukraine, 2018, No. 32, Art. 242, as amended):

in [Article 20](#):

the first paragraph of part one shall be amended to read as follows:

"1. Collective management organizations should build relations with users on the basis of impartiality, fairness, economic justification of tariffs, and free access to information. The conditions for granting permits for the use of copyright and (or) related rights objects should be based on objective and non-discriminatory criteria";

the first and second paragraphs of part two shall be amended to read as follows:

"2. Tariffs must be economically justified in relation to the type of economic activity of the user, the nature and scope of use of copyright and (or) related rights objects in relation to such economic activity, financial indicators of income and expenses of users.

Drafts of preliminary tariffs shall be considered at the general meeting of the collective management organization and shall be determined in a fixed amount or by a percentage rate (including a calculation formula) for the use of copyright and (or) related rights objects. The preliminary tariffs shall comply with the requirements for tariffs set forth in the first paragraph of this part."

Section VI. "Final and Transitional Provisions" shall be supplemented with paragraph 3 as follows:<sup>4</sup>

"3<sup>4</sup>. Given the introduction of martial law in Ukraine on February 24, 2022:

1) from the moment this clause enters into force, the obligations that arose in the period from February 24, 2022 to the date of entry into force of this clause, regarding the payment of penalties, interest, inflationary losses, as well as the application of other types of civil liability, shall be terminated, related to non-fulfillment or improper fulfillment by users of obligations to pay income from rights to accredited collective management organizations whose accreditation period, as defined in part twelve of Article 16 of this Law, expired before the date of entry into force of this clause;

2) from the moment this clause enters into force, for the period until the termination or cancelling of martial law, the accrual of penalties, interest, inflationary losses, as well as the application of other types of civil liability related to non-fulfillment or improper fulfillment by users of obligations to pay income from rights to accredited collective management organizations, whose accreditation period, as defined in part twelve of Article 16 of this Law, expired before the date of entry into force of this clause, shall be terminated;

3) from the moment this clause enters into force, negotiations on tariff setting, information about the start of the process for which was posted on the official website of the Institution before February 24, 2022, shall be terminated;

4) from the moment this clause enters into force and within 12 months after the termination or cancellation of martial law in Ukraine, a collective management organization that, in accordance with clause 3<sup>2</sup> of this section, carries out voluntary collective management of economic rights to use a respective musical work (with or without lyrics), shall be authorized to collect fair remuneration provided for in sub-clauses 3 and 4 of the third paragraph of part five of Article 12 of this Law for the use by users in the same way (public performance). In this case, the tariff for payment of fair remuneration by the user in accordance with this subparagraph 3 shall be 50 percent of the remuneration paid by the user to a collective management organization for the same method of use of such musical work for the same period of use. A collective management organization that has collected a fair remuneration in accordance with this subparagraph 3 shall distribute and pay it to the rights holders or collective management organizations representing the respective rights holders, taking into account the provisions of Article 21 of this Law. A user who has paid a remuneration for the use of a musical work in the respective way and a fair remuneration for the same way of using a performance, phonogram and/or videogram provided for in subparagraphs 3 and 4 of paragraph three of part five of Article 12 of this Law shall pay the remuneration to the respective collective management organization in accordance with the provisions of Article 21 of this Law, the respective collective management organization in accordance with the procedure set forth in this subparagraph 3, shall not have any obligations to any right holders to pay remuneration for such use of the work, performance, phonogram and/or videogram for the respective period of use;

5) from the moment this clause enters into force, competitions for determining an accredited collective management organization shall not be announced and held during martial law in Ukraine. The Institution shall announce tenders to determine an accredited collective management organization in the areas where there are no accredited organizations as of the date of termination or cancellation

of martial law in Ukraine within 12 months after the termination or cancellation of martial law in Ukraine."

5. The Cabinet of Ministers of Ukraine shall within three months from the date of entry into force of this Law:

bring their regulatory acts into compliance with this Law;

ensure that ministries and other central executive authorities bring their regulations in line with this Law.

6. The Cabinet of Ministers of Ukraine shall inform the Verkhovna Rada of Ukraine in 2023 on the status of implementation of this Law.

<b>President of Ukraine</b>	<b>V. ZELENSKYI</b>
<b>Kyiv December 1, 2022 NO. 2811-IX</b>	