

UNESCO
WORLD ANTI PIRACY OBSERVATORY

LITHUANIA

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|--|-----------|
| I. LEGISLATION | 3 |
| 1. Copyright laws | 3 |
| 2. Other laws..... | 3 |
| 3. Latest developments and perspectives | 4 |
| 4. Summary of legislation | 4 |
| 5. International treaties | 8 |
| II. MEASURES AND REMEDIES..... | 8 |
| 1. Copyright infringement | 8 |
| 2. Remedies to protect copyright holders..... | 8 |
| 3. Provisional measures..... | 10 |
| 4. Penalties for copyright infringement..... | 11 |
| 5. Requirements for foreign persons..... | 12 |
| III. ENFORCEMENT | 12 |
| 1. Enforcement authorities | 12 |
| 2. Enforcement at the border | 13 |
| IV. PUBLIC AWARENESS..... | 14 |
| 1. Awareness campaigns and actions..... | 14 |
| 2. Promotion of legal exploitation | 15 |
| 3. Associations and organizations with awareness-raising purpose | 15 |
| 4. Best practices | 15 |
| V. CAPACITY-BUILDING..... | 15 |
| 1. Training..... | 15 |

| | | |
|------------|---|-----------|
| 2. | Establishment of specialized units and intersectoral groups | 16 |
| 3. | Best practices | 16 |
| VI. | OTHER | 16 |
| 1. | TPM/DRM | 16 |
| 2. | Licensing Schemes | 17 |
| 3. | Optical Discs | 17 |
| 4. | Hotlines..... | 17 |
| 5. | Relevant contacts and links | 17 |

I. Legislation

1. Copyright laws

Copyright is protected in the Republic of Lithuania through international Agreements, the [Law on Copyright and Related Rights No VIII-1185](#) of May 18, 1999, as last amended by [Law No X-1454 dated March 13, 2008](#) and Resolution No.1283 of November 19, 1999 of the Government of the Republic of Lithuania Concerning the Implementation of the Republic of Lithuania Law on Copyright and Related Rights.

The [Law on Copyright and Related Rights No VIII-1185](#) was enacted on May 18, 1999 (Official Gazette No. 50-1598, 1999) and amended by [Law No IX-1355 of March 21, 2003](#), and last amended by [Law No X-1454 of March 13, 2008](#).

The Lithuanian Law on Copyright and Related Rights regulates authors' rights to literary, scientific and artistic works (copyright), the rights of performers, producers of phonograms, broadcasting organizations and producers of the first fixation of an audiovisual work (film) (related rights), the rights of makers of databases (sui generis rights), exercise, collective administration and enforcement of copyright and related rights, as well as the exercise and enforcement of sui generis rights. The provisions of this Law are harmonized with the legal acts of the European Union.

Administrative liability for the unauthorized reproduction, distribution, public performance or other exploitation, in any way and by any means for commercial advantage, of a literary, scientific or artistic work (including computer programmes and databases), or a sound and (or) video recording, is established by Article 21410 of the Code of Administrative Law Infringement of the Republic of Lithuania (Official Gazette No. 25-637, 1998).

The Republic of Lithuania Law on Amending Articles 35, 142, 308 and 3212 of the Criminal Code of the Republic of Lithuania and Supplementing Thereof with Articles 1421, 1422 and 1423 (Official Gazette No. 38-1055, 2000) and the Republic of Lithuania Law on Amending Articles 37, 126 and 173 of the Code of Criminal Procedure of the Republic of Lithuania (Official Gazette No. 38-1055, 2000) were adopted on April 20, 2000.

According to Resolution No.1283 of November 19, 1999 of the Government of the Republic of Lithuania Concerning the Implementation of the Republic of Lithuania Law on Copyright and Related Rights (Official Gazette No. 99-2861, 1999), the Ministry of Culture is the institution authorized by the Government of the Republic of Lithuania to act in the area of copyright laws and related rights.

2. Other laws

Criminal Code of the Republic of Lithuania, Articles 191-194 (26 September 2000 No VIII-1968, last amended 28 June 2007 No X-1233);
Code of Criminal Procedure of the Republic of Lithuania
Code of Administrative Infringements of the Republic of Lithuania, Article 214(10) (1 April 1985 No 1-1, last amended 10 December 2002 No IX-1260);

Resolution of the Government of the Republic of Lithuania “Concerning Acceptance of a Report on Provisions for Eliminating the Possibility of Access to Unlawfully Obtained, Created, Amended or Utilised Information” (22 August 2007 No-881);
Intellectual Property Antipiracy Centre Conception approved by Order No [V-401 as of 30 July 2008 of the Minister of Culture of the Republic of Lithuania.

Customs Law of the Republic of Lithuania

EC Council Regulation No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights.

3. Latest developments and perspectives

The Ministry of Culture drafted a Law, amending Article 192 of the Criminal Code of the Republic of Lithuania, which provides criminal responsibility for illegal reproduction of a literary, scientific, artistic or other work, distribution, transportation or possession of infringing copies thereof. The general aim of this project is to strengthen criminal responsibility for the criminal violations of intellectual property rights. It provides higher penalties - up to four years imprisonment for the criminal activities – therefore crimes against intellectual property are ascribed to semi-grave crimes.

The Ministry of Culture also drafted a Law, amending Part 1 of Article 214(10) of the Code of Administrative Infringements. The draft law differentiates criminal responsibility from administrative responsibility for copyright and related rights infringements and provides possibility to apply administrative responsibility for unlawful public performance, reprography, communication to the public, other use in any ways or means of literary, scientific, artistic work or object of related rights without commercial purpose.

4. Summary of legislation

- *Exclusive rights of the authors and of the owners of neighbouring rights*

Copyright holders have the exclusive rights to authorise or to prohibit the reproduction of a work in any form or by any means; publication of a work; translation of a work; adaptation, arrangement, dramatisation or other transformation of a work; distribution of the original or copies of a work to the public by sale, rental, lending, or by any other transfer of ownership or possession, as well as by exporting and importing (excluding computer programmes where the program itself does not constitute the essential object of distribution such as computer programmes in household appliances); public display of the original or copies of a work; public performance of a work in any form or by any means; broadcasting, retransmission of a work, as well as communication to the public of a work in any other way, including the making available to the public of a work over computer networks (on the Internet) (Article 15 of the Law on Copyright and Related Rights).

In addition to the economic rights listed above, authors enjoy perpetual moral rights which remain with them even after they have assigned their economic rights, i.e. the right to claim authorship of the work, by indicating the author’s name in a prominent way on all the copies of a published work, and in connection with any other public use of the work (the right of authorship); the right to claim or prevent the mention of the author’s name in connection with any use of the work, or the right to claim that the work be disclosed to the public under a pseudonym (the right to the author’s name); the right to object to any distortion or other modification of a work or the title thereof, as well as to any derogatory action in relation thereto which would be prejudicial to

the author's honour or reputation (the right to the inviolability of a work). The moral rights of an author of computer programs and databases may not be used in a manner which unreasonably prejudices the rights of a holder of the author's economic rights in these computer programs and databases, including the right to carry out adaptation, alteration and distribution of these works at his discretion, with the exception of the cases when such actions would be prejudicial to the author's honour or reputation (Article 14 of the Law on Copyright and Related Rights).

Rights related to Copyright or Neighboring rights are provided protection under Articles 52 to 60 of the Law on Copyright and Related Rights. These rights are the rights of performing artists in their performances; producers of sound recordings (phonograms) in their recordings; rights of broadcasting organizations in their programs, and rights of producers of the first fixation of an Audiovisual Work in their films.

Performers have the exclusive rights to authorise or prohibit the broadcasting, retransmission or other communication to the public of his unfixed performance, except where the performance is itself already a television or radio broadcast; the fixation of his unfixed performance; reproduction of a fixation of his performance; making available to the public of a fixation of his performance including the transmission by wire or wireless means of the fixation in such a way that members of the public may access it from a place and at a time individually chosen by them; and distribution of the original or copies of a fixation of his performance by sale, rental, lending or any other form of transfer of ownership or possession, as well as by importing or exporting them. Performers, independently of their exclusive economic rights, and even after the transfer of those rights to other persons, enjoy also moral rights regarding their direct (live) performance or the fixation of their performance. This includes the right to claim authorship of their performance or the fixation thereof, and to object to any distortion or other modification of the performance or the fixation thereof, as well as other derogatory action in relation thereto, which would be prejudicial to their honour or reputation. (Articles 52 and 53 of the Law on Copyright and Related Rights).

Producers of phonograms have the exclusive rights to authorise or to prohibit the reproduction of a phonogram; publication of a phonogram; making available to the public of a phonogram or its copies including the transmission of the phonogram by wire or wireless means, in such a way that members of the public may access it from a place and at a time individually chosen by them; and distribution of a phonogram or its copies thereof to the public by sale, rental or lending, or any other form of transfer of ownership or possession, as well as by importing or exporting (Article 54 of the Law on Copyright and Related Rights).

Broadcasting organisations have the exclusive rights to authorise or to prohibit the retransmission of their broadcasts; cable retransmission of their broadcasts; fixation of their broadcasts; reproduction of fixations of their broadcasts; communication to the public of their broadcasts, if such communication is made in places accessible to the public against payment of an entrance fee; making available to the public of fixations of their broadcasts or their copies, including transmission over computer networks (the Internet); and distribution of fixations of their broadcasts or copies thereof by sale or by other transfer of ownership or possession, as well as by importing or exporting (Article 56 of the Law on Copyright and Related Rights).

Producers of the First Fixation of an Audiovisual Work (Film) have the exclusive rights to authorise or to prohibit the reproduction of the fixation of an audiovisual work (film) or a copy thereof; broadcasting, retransmission or other communication to the public of the fixation of an audiovisual work (film); distribution of the fixation of an audiovisual work (film) or copies thereof by sale, rental or lending, or by other transfer ownership or possession thereof, as well as by importing and exporting; and making available to the public of the fixation of an audiovisual work

(film) or copies thereof, including transmission over computer networks (Article 57 of the Law on Copyright and Related Rights).

- *Allowed use of a work without the permission of the owner of the copyright*

Excluded from copyright protection are ideas, procedures, processes, systems, methods of operation, concepts, principles, discoveries or mere data; legal acts, official documents texts of administrative, legal or regulative nature (decisions, rulings, regulations, norms, territorial planning and other official documents), as well as their official translations; official State symbols and insignia (flags, coat-of-arms, anthems, banknote designs, and other State symbols and insignia) the protection of which is regulated by other legal acts; officially registered drafts of legal acts; regular information reports on events; and works of folklore (Article 5 of the Law on Copyright and Related Rights).

Limitations of Related Rights are available in Article 58 of the Law on Copyright and Related Rights which include the use of a performance, a phonogram, a fixation of an audiovisual work (film) and a broadcast of a broadcasting organisation or fixations thereof, for temporary acts of reproduction under specific conditions; reproduction of short extracts in reports of current events, to the extent justified by the informatory purpose; use for the purpose of research or private study in specific cases and provided that the owners of related rights do not prohibit such use; reproduction for the purpose of preservation or replacement of a lost, destroyed or rendered unusable copy, or for the purpose of replacement of a lost, destroyed or unfit for use copy in specific cases; making of ephemeral recordings by broadcasting organisations or a person acting on behalf of and under the responsibility of the broadcasting organisation by means of their own facilities and for their own broadcasts. Such recordings may be preserved for a period not exceeding 30 days and must be erased after their use for broadcasting. The recordings of an exceptional documentary character may be transferred to official State archives for preservation; reproduction for the benefit of people with a hearing disability, which is directly related to the disability and of a non-commercial nature, to the extent required by this disability; use for the sole purpose of illustration for teaching or scientific research, as criticism or review, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved; use for the purposes of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings; reproduction and use during religious celebrations; incidental inclusion of an object of related rights in other material; use for the purpose of caricature or parody; use in connection with the demonstration or repair of equipment. Limitations of related rights must not conflict with a normal exploitation of the objects of the said rights and must not unreasonably prejudice the legitimate interests of performers, producers of phonograms, producers of the first fixation of an audiovisual work or broadcasting organisations.

- *Protection of the foreign works*

In addition to authors and owners of related rights who are citizens of the Republic of Lithuania or natural persons permanently residing in the Republic of Lithuania or legal persons the headquarters whereof is located in the Republic of Lithuania; the Law on Copyright and Related Rights covers the following (Article 3):

- Authors regardless of their citizenship or habitual residence, to whom the rights in works for the first time published in the Republic of Lithuania, including the works simultaneously published in the Republic of Lithuania and abroad, belong. A work shall be considered as having been published simultaneously in several countries if it has been published in the Republic of Lithuania within thirty days of its first publication in another country;

- Authors of audiovisual works if the headquarters or habitual residence of the producer of the said works is in the Republic of Lithuania;
 - Authors of works of architecture erected in the Republic of Lithuania, or authors of other artistic works incorporated in a building or other construction works located in the Republic of Lithuania;
 - Performers who are citizens of the Republic of Lithuania or natural persons permanently residing in the Republic of Lithuania, as well as performers whose performances take place on the territory of the Republic of Lithuania or are incorporated in phonograms protected by the Law on Copyright and Related Rights, or are used in programmes or original broadcasts qualifying for protection under the aforementioned Law;
 - Broadcasting organisations and cable retransmission operators whose headquarters are located in the Republic of Lithuania, or whose broadcasts and programmes are transmitted by the transmitters located on the territory of the Republic of Lithuania, as well as broadcasting organisations whose programmes are communicated by satellite when the programme-carrying signals of an established frequency are transmitted to the satellite from the territory of the Republic of Lithuania.
 - Authors and owners of related rights whose rights shall be protected in the Republic of Lithuania in accordance with the international agreements ratified by the Republic of Lithuania, and other legal acts binding on the Republic of Lithuania according to its international obligations.
- *Period of copyright protection*

Rights of performing artists last for 50 years from the 1st of January following the date of the performance. If a fixation of the performance is lawfully published or lawfully communicated to the public within this period, the rights of performers shall run for 50 years from the date of the first such publication or the first such communication to the public, whichever is the earlier. The protection of the moral rights of performers shall be of unlimited duration (Article 59 of the Law on Copyright and Related Rights).

Rights of producers of phonograms last for 50 years from the 1st of January following the year of the fixation of the phonogram. If the phonogram is lawfully published during this period, the rights shall expire 50 years from the date of the first such publication. If the phonogram is not lawfully published within 50 years after the fixation is made, however, it is lawfully communicated to the public within the said period, the rights shall expire 50 years from the date of the lawful communication to the public of the phonogram (Article 59 of the Law on Copyright and Related Rights).

Rights of broadcasting organizations last for 50 years after from the 1st of January following the year of the first transmission of a broadcast, irrespective of whether this broadcast is transmitted by wire or over the air, including by cable or satellite (Article 59 of the Law on Copyright and Related Rights).

Rights of producers of the first fixation of an audiovisual work (film) last for 50 years after the fixation is made. If the audiovisual work (film) is lawfully published or lawfully communicated to the public during this period, the rights shall expire 50 years from the date of the first such publication or the first such communication to the public, whichever is the earlier (Article 59 of the Law on Copyright and Related Rights).

- *Registration*

5. International treaties

Lithuania is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention on the Protection of Literary and Artistic Works](#), in force since December 14, 1994.
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#), in force since July 22, 1999.
- [Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#), in force since January 27, 2000.
- [WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights](#), since May 31, 2001.
- [WIPO Copyright Treaty](#) (WCT), in force since March 6, 2002.
- [WIPO Performances and Phonograms Treaty](#) (WPPT), in force since May 20, 2002.
- Cyber Crime Convention, in force since July 1, 2004

II. Measures and remedies

1. Copyright infringement

Any act which infringes any copyright, related rights and *sui generis* rights, protected by the Law on Copyright and Related Rights and other laws, shall constitute an infringement of copyright, related rights and *sui generis* rights respectively (Article 73 of the Law on Copyright and Related Rights). There are no specific provisions concerning the definition of Internet piracy.

2. Remedies to protect copyright holders

The Law on Copyright law and Related Rights, the Code of Administrative Infringements, the Code of Civil Procedures and the Criminal Code provide for a number of remedies that may apply for protecting copyright and neighbouring rights holders in the case of violations of their rights. These remedies include the following:

- Provisional measures may be taken to prevent any imminent infringement, to forbid the continuation of the infringements, to preserve relevant evidence, in cases where the delay may cause irreparable harm to the right holder or in cases where there is a proven risk of evidence being destroyed, and to enforce the final decision of the court (Article 81 of the Law on Copyright and Related Rights).
- Legal action may be instituted at the request of the right holder, including fair and equitable civil judicial procedures, to recognize and protect the infringed rights and to order any of the following actions (Articles 77, 79 and 80 of the Law on Copyright and related Rights):
 - Injunction with the aim of prohibiting the continuation of unlawful acts including the payment of adequate assurance intended to ensure compensation for any possible damage.
 - Prevention from carrying out acts because of which the rights may be actually infringed or damage may be actually caused.

- Redress of the infringed moral rights (injunction to make appropriate amendments, to announce the infringement in the press, or any other way).
- Exaction of unpaid remuneration for unlawful use of a work, objects of related rights or sui generis rights.
- Compensation for property damage, including the lost income and other expenses, and non-pecuniary damage.
- Payment of compensation.

Where the person, against whom an injunction aimed at prohibiting the continuation of the unlawful acts is issued or who is liable to be subject to corrective measures, acted unintentionally and without negligence, the court may, at the request of the said person, order pecuniary compensation to be paid to the injured party instead of the aforementioned actions, if execution of the measures in question would cause him disproportionate harm and if pecuniary compensation to the injured party appears reasonably satisfactory.

- An injunction may be requested by right holders against an intermediary (a natural or legal person which provides network services) to prohibit him from rendering services in a network to third parties who make use of these services infringing a copyright, related right or sui generis right (Article 78 of the Law on Copyright and Related Rights).
- Administrative and criminal liability for violations of copyright, related rights and sui generis rights (Article 87 of the Law on Copyright and Related Rights which refers to the Code of Administrative Infringements and the Criminal Code).
- Corrective measures may be ordered by the court, at the request of right holders, including the disposal of outside the channels of commerce of infringing goods in such a manner as to avoid any harm caused to the right holder, or, the destruction of infringing copies, and, in appropriate cases, the materials and implements principally used in the creation or manufacture of the infringing goods (Article 82 of the Law on Copyright and Related Rights).
- Seizure and prohibition of the entry into or remove from the channels of commerce of the suspected infringing goods and copies of protected works and other objects (Article 81 of the Law on Copyright and Related Rights).
- Seizure of the movable and immovable property of the persons allegedly infringing the protected rights, which is possessed by the said persons or third parties, including the bank accounts, the means and equipment allegedly mostly used to create or manufacture goods, copies of works, other objects of the rights of the protected rights (Article 81 of the Law on Copyright and Related Rights).
- Fair and adequate damages may be imposed including moral damages, recovery of material damages, lost profits, trial expenses, attorney's fees as well as other expenses suffered by right holders. Instead of requesting compensation of damage (losses), right holders may claim Compensation in the amount of up to 1 000 minimum living standards (MLS) and royalties or fees which would have been due if the infringer had requested authorisation to use the works (Articles 83 and 84 of the Law on Copyright and Related Rights; Article 98 of the Code of Civil Procedure and the Civil Code).
- Criminal sanctions may be imposed, in particular public works, a fine, restriction of freedom, arrest, or imprisonment for a maximum term of two years (or 3 years if the infringement is performed using official position or physical violence) in cases of appropriation of authorship, unlawful reproduction, distribution, transportation or possession of literary, scientific, artistic works or copies thereof (Articles 191 and 192 of the Criminal Code).
- Publication and dissemination of the court decision, at the request of the right holder, including announcing the decision in full or in part in the mass media, or in any other way

at the expenses of the infringer (Article 85 of the Law on Copyright and Related Rights; and the Civil Code).

3. Provisional measures

The Law on Copyright and Related Rights (Article 81) permits the court, where there are sufficient grounds to suspect that an infringement of copyright, related rights or *sui generis* rights has been committed, to apply provisional measures (in accordance with the procedure laid down by the Code of Civil Procedure) necessary to prevent any imminent infringement, to forbid the continuation of the infringements, to preserve relevant evidence, in cases where the delay may cause irreparable harm to the right holder or in cases where there is a proven risk of evidence being destroyed, and to enforce the final court's decision.

In such cases the court may forbid persons to commit any imminent infringement of the protected rights; order persons to discontinue, on a provisional basis, any infringement of the protected rights ; forbid an intermediary to provide services to a third party who uses these services by infringing the protected rights; seize, forbid the entry into or remove from the channels of commerce the suspected infringing goods and copies of protected works and other objects; seize the movable and immovable property of the persons allegedly infringing the protected rights, which is possessed by the said persons or third parties, including the bank accounts, the means and equipment allegedly mostly used to create or manufacture goods, copies of works, other objects of the rights of the protected rights; and apply other measures defined by the Code of Civil Procedure.

If the applied provisional measures are infringed or such infringement continues, the court may order the alleged infringers to lodge adequate security intended to ensure damage compensation to the person who requested the application of provisional measures.

For the purpose of application of provisional measures, the court may, upon request of an interested person, order the competent authorities to communicate bank, financial or commercial documents, or provide appropriate access to the relevant information.

The court shall be entitled to require the person, who requests application of provisional measures, to provide any reasonably available evidence in order to satisfy itself with a sufficient degree of certainty that he or a person, for whose interests application of provisional measures is requested, is the owner or user of the rights protected under this Law and that the applicant's right is being infringed, or that such infringement is imminent.

The court may, on application by a party who has presented reasonably available evidence to support his claims that his rights protected under this Law has been infringed or is about to be infringed, apply measures to preserve relevant evidence in respect of the alleged infringement, including the detailed description and detention of the infringing goods and copies of protected works or objects, or only the description thereof; the arrest and seizure of the infringing goods and copies of protected works or objects, and, in appropriate cases, the materials and implements used in the production and/or distribution of these goods, copies, and the documents relating thereto; and the application of other provisional measures covered by the Code of Civil Procedure.

Provisional measures and measures for preserving evidence may be applied without the defendant having been informed and heard, in particular where any delay is likely to cause irreparable harm to the applicant or where there is a proven risk of evidence being destroyed. Where measures to preserve evidence are applied without the defendant having been informed

and heard, the defendant must be so informed without delay after the application of the measures at the latest.

4. Penalties for copyright infringement

- *In civil cases*

The Civil Code and the Law on Copyright and Related Rights regulate the recovery for material damages for copyright infringements (Articles 82 and 83 of the Law on Copyright and Related Rights).

When appraising the amount of damage (losses), the court takes into account the substance of the infringement, the amount of the inflicted damage, lost profits as well as other expenses suffered by the owner of copyright, related rights or sui generis rights, other important circumstances. The profits made by the infringer may be recognised as losses.

Instead of requesting compensation of damage (losses) caused by the infringement, the persons may claim:

1) compensation in the amount of up to 1 000 minimum living standards (MLS), which is set by the court, taking into account the culpability of the infringer, his property status, causes of unlawful actions and other circumstances relevant to the case, as well as the criteria of good faith, reasonableness and justice; or

2) royalties or fees which would have been due if the infringer had requested authorisation to use the works or other objects of the rights protected under the Law, and where the infringer acted intentionally or with negligence – in the amount of up to two such royalties and fees.

- *For criminal offence in copyright cases*

The Criminal Code provides that a person who is guilty of a criminal offence for appropriation of authorship may be penalized with public works, a fine, restriction of freedom, arrest, or imprisonment up to two years. The same activity, performed using official position or physical violence, could be penalized with public works, a fine, restriction of freedom, arrest, or imprisonment up to three years. Unlawful reproduction of literary, scientific, artistic or other work, as well as distribution of unlawful copies, transportation or possession, can be penalized with public works, a fine, restriction of freedom, arrest, or imprisonment up to two years (Articles 191 and 192 of the Criminal Code).

- *Seizure, confiscation, forfeiture and destruction of all infringing copies*
- *Publication of the judgment in newspapers or professional magazines*

The court, which takes a decision on the infringement of copyright, related rights or sui generis right may, at the request of the right holders, order the infringer to disseminate, at his own expense, the information concerning the decision, including announcing the decision in full or in part in the mass media, or in any other way. The decision of the court or the information about the decision may be disseminated after the coming into force of the decision, unless otherwise established by the court. The manner of dissemination of the court decision and the extent of the dissemination shall be defined in the decision. The owner of copyright, related rights or *sui generis* right may request that the infringer pays in advance into the account, indicated by the court, a sum of money necessary to disseminate the information concerning the court decision

or the court decision itself (Article 85 of the Law on Copyright and Related Rights; and the Civil Code).

- **Damages**

Fair and adequate damages may be imposed including moral damages, recovery of material damages, lost profits, trial expenses, attorney's fees as well as other expenses suffered by right holders (Articles 83 and 84 of the Law on Copyright and Related Rights; Article 98 of the Code of Civil Procedure and the Civil Code).

. The amount of lost profits shall be set taking into account the profits that would have been received when legally using works or other objects (taking into consideration royalties and fees which are normally paid for lawful use of such works or other objects, or royalties and fees which are paid for lawful use of similar works or other objects, or royalties and fees most suitable for the modes of use of a work or any other object), as well as taking into account concrete circumstances which might have created conditions to receive profits (works performed by owners of rights, used materials and implements, negotiations on conclusion of agreements pertaining to the use of a work, etc.).

According to the Code of Civil Procedure, a winning party may compensate appropriate attorney's fees (Article 98 of the Code of Civil Procedure).

Instead of requesting compensation of damage (losses), right holders may claim Compensation in the amount of up to 1 000 minimum living standards (MLS) and royalties or fees which would have been due if the infringer had requested authorisation to use the works.

5. Requirements for foreign persons

No special approvals, special agents, or special documentation for foreign persons are required in order to gain access to national courts, customs officials, or police officials to obtain enforcement of copyright or neighboring rights.

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

According to Resolution No.1283 of November 19, 1999 of the Government of the Republic of Lithuania Concerning the Implementation of the Law on Copyright and Related Rights, the Ministry of Culture is the institution authorized by the Government of the Republic of Lithuania to act in the area of copyright laws and related rights. It is therefore, responsible for the general policy in the field of copyright and related rights. The Ministry of Culture, in the execution of its tasks and functions, has the right to demand from public authorities, local authorities, enterprises, institutions and organisations all relevant information on the protection and enforcement of copyright and related rights, as well as other information necessary for the implementation of the tasks delegated to it (Article 71 of the Law on Copyright and Related Rights)..

Institutions, responsible for specific policy related to enforcement of copyright law:

- Ministry of Justice;
- Ministry of Interior;
- Customs Department under the Ministry of Finance;
- Police Department under the Ministry of Interior;
- Prosecution Service of the Republic of Lithuania.

b) Enforcement bodies entitled to act *ex-officio* in copyright infringement cases

Customs authorities are entitled to act *ex-officio* in detaining goods infringing copyright. Customs actions are regulated by [Council Regulation \(EC\) No 1383/2003 of 22 July 2003](#) concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights.

c) Courts dealing with copyright cases

In Lithuania there are no specialized courts for copyright/intellectual property rights. Cases of infringement of moral rights of copyright are heard exclusively by Regional Courts of Lithuania (5 courts) at first instance. Civil remedies in copyright cases, as well as criminal offences in copyright cases, fall under the jurisdiction of District Courts at first instance (currently 54 courts). The appeal of the case may go to Regional court and further to the Supreme Court of Lithuania.

2. Enforcement at the border

Article 88 of Law on Copyright and Related Rights provides that border measures provided for by legal acts of the European Union and the Republic of Lithuania, may be applied to infringing copies of works, other objects protected under this Law, goods infringing the rights protected under this Law, which are imported from third countries into the Republic of Lithuania or exported from it into third countries. [Council Regulation \(EC\) No 1383/2003 of 22 July 2003](#) concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights governs copyright enforcement at the border.

- *Competent authority responsible for administering applications for copyright infringements at borders:*

The Customs Department under the Ministry of Finance is the competent authority for enforcing copyright at the border.

- *Security/equivalent assurance is imposed in order to protect the defendant and prevent abuse*

It is regulated under the Council Regulation No. 1383/2003 of 22 July 2003.

- *Notification to the importer and the copyright holder of the suspension of the release of the goods by the customs:*

The importer and the copyright holder are notified in a timely fashion of the suspension of the release of the goods by the customs. It is regulated under the national legal act.

- *Time limit for the suspension of the goods by customs authorities:*

There is a time limit for the suspension of the goods by the customs authorities and it is regulated under the Council Regulation No. 1383/2003 of 22 July 2003.

- *The competent authorities and the right to order the destruction or disposal of infringing goods:*

The competent authorities cannot order the destruction or disposal of infringing goods.

- *Customs authorities and copyright infringement cases*

Customs authorities are entitled to act ex-officio in copyright infringement cases and it is regulated under the Council Regulation No. 1383/2003 of 22 July 2003.

- *Law and provisions for a de minimis import exception*

Lithuanian Law provides for a *de minimis* import exception and it is regulated under the Article 3 of the Council Regulation No. 1383/2003 of 22 July 2003, which states that “where a traveller's personal baggage contains goods of a non-commercial nature within the limits of the duty-free allowance and there are no material indications to suggest the goods are part of commercial traffic, Member States shall consider such goods to be outside the scope of this Regulation”.

IV. Public Awareness

1. Awareness campaigns and actions

The Ministry of Culture constantly pays big attention to the implementation of Public Awareness Programme Concerning Intellectual Property Rights. The strategic aim of this Programme is to develop the activities in the area of the protection of intellectual property rights with the purpose of increasing awareness of the society, developing respect for the fruits of the intellectual activities and protecting the authors' rights as well as promoting creative and artistic work in Lithuania and legitimate dissemination of the results of this activity.

The Programme is aimed at various groups of society: students, people employed in the museums, libraries and other cultural institutions, representatives of small and medium businesses, law enforcement officials, lawyers, authors and performers, special attention being paid to the education of schoolchildren of secondary schools. The major part of the measures are aimed at educating the society focused on the prevention of usage of illegal production and the effective protection of intellectual property rights in Lithuania. Other measures are aimed at educating owners of the rights about the system of intellectual property rights and the protection of these rights in Lithuania. Implementation measures of the Programme contain activities aimed at fighting against piracy: funding for the anti-piracy projects, training for law enforcement officials, and producing educational materials for children about the importance of intellectual property rights.

Latest Implementation measures of Public Awareness Programme concerning Intellectual Property Rights were approved for the years 2007-2008 (Order No 706 as of 28 December 2006

of the Minister of Culture of the Republic of Lithuania). Next Public Awareness Programme and its Implementation measures are foreseen for the years 2009-2012.

2. Promotion of legal exploitation

In the framework of Implementation measures of Public Awareness Programme Concerning Intellectual Property Rights, the Ministry of Culture is providing funding for the Anti-piracy projects, aimed at raising consumer awareness about the threat of piracy and other infringements of copyright. At the same time these activities promote the legal exploitation of protected material.

Legal exploitation of protected material was surveyed in market research studies, commissioned by the ministry of Culture. Market research study "Piracy Level in Lithuania" identified the piracy level in Lithuania as well as the legal exploitation of copyright protected materials. Market research study "The Economic Contribution of Copyright and Related Rights Industries in Lithuania" revealed the contribution of copyright industries into Lithuanian economy. The Market research study "Use of Literary and Artistic Works in Computer Network (Internet)" revealed the level of legitimate exploitation of protected material over the Internet. The information regarding the results of market research studies was publicly announced.

3. Associations and organizations with awareness-raising purpose

The main associations involved in the fighting against piracy in Lithuania are as follows: Association of Antipiracy Activities of Lithuania (LANVA), Music Industry Association of Lithuania, Agency of Lithuanian Copyright Protection Association (LATGA-A), The Lithuanian Neighbouring Rights Association (AGATA), Association of Phonogram Producers and Distributors, Infobalt Association, Business Software Alliance.

4. Best practices

Each year, on 26 of April, in cooperation with the World Intellectual Property Organisation, the State Patent Bureau and the copyright and related rights collective management associations, the Ministry of Culture organises events commemorating the World Intellectual Property Day and presents WIPO Creativity Awards for outstanding Lithuanian creators. Nominees for the aforementioned Awards in the category of authors of literary, artistic, scientific works and inventions and in the category of performers are selected in accordance with the Regulations for the World Intellectual Property Organization Creativity Award (Approved by Order No 61 as of 20 February 2003 and amended by Order No 70 as of 22 February 2006 of the Minister of Culture of the Republic of Lithuania). The final decision on awarding the WIPO Creativity Awards is made by the World Intellectual Property Organization.

V. Capacity-building

1. Training

The activities related to specialized enforcement and anti-piracy training are developed in the framework of the Public Awareness Programme Concerning Intellectual Property Rights. Education and training constitute one of the most important objectives of the Programme. Under the Implementation Measures of the Programme, the Ministry of Culture constantly provides

specialized copyright enforcement training for officials (judges, attorneys, prosecutors, police officers, customs officials) involved in copyright enforcement activities.

2. Establishment of specialized units and intersectoral groups

The Intellectual Property Antipiracy Centre Conception provides further possibilities to develop cooperation of inter-sectoral groups in fighting piracy. When Antipiracy Centre will be established, it will have the following tasks: encouraging the cooperation between intellectual property right holders in fighting piracy; helping customs, police authorities, prosecutor's office and other law enforcement bodies to implement measures of enforcement of intellectual property rights; taking part in antipiracy and other preventive programmes; informing the society of intellectual property issues; and collecting information and analyzing experience of other states in the field of enforcement of intellectual property. Thus the main tasks and functions of Antipiracy Centre would be related to the monitoring of intellectual property market, analysis of information, and database creation and administration. Antipiracy Centre would be the national point for information and the best practice exchange between different sectors in fighting piracy.

There is a specialized Intellectual Property Protection Division in the Criminal Police Bureau at the Police Department which operates under the Ministry of Interior.

3. Best practices

VI. Other

1. TPM/DRM

The Law on Copyright and Related Rights allows the owners of copyright, related rights or *sui generis* rights to use effective technological measures for the enforcement or protection of their rights. However, when technological measures applied by right holders prevent the users of such rights from benefiting from the limitations of copyright, related rights and *sui generis* rights, the users of the rights must be provided with conditions or adequate means (i.e. decoding devices and other) enabling them to use legitimately accessible objects of copyright, related rights or *sui generis* rights to the extent necessary for them to benefit from the limitations provided for their interests.

The circumvention of any effective technological measure, which the concerned person carries out in the knowledge, or with reasonable grounds to know, that he seeks to circumvent the technological measures applied by the owners of copyright, related rights or *sui generis* rights, shall be regarded as violation of technological measures, in particular:

- the manufacture, import, distribution, sale, rental, advertisement for sale or rental, or possession for commercial purposes of devices, products or components which are primarily designed, produced or adapted for the purpose of enabling or facilitating the circumvention of, any effective technological measures, or which have only a limited commercially significant purpose or use other than to circumvent;
- the provision of services related to the circumvention of technological measures.

Violation of rights-management information shall be the removal or alteration of any rights-management information without permission of the owner of the rights; as well as distribution, importation with the aim of distributing, broadcasting, communication to the public or making available to the public of objects of copyright, related rights and sui generis rights in which the rights-management information has been removed or altered without permission, when the person knows, or has reasonable grounds to know, that by so doing he is inducing, enabling, facilitating or concealing an infringement of the rights protected under the Law on Copyright and Related Rights (Articles 74 to 76 of the Law on Copyright and Related Rights).

2. Licensing Schemes

The Ministry of Culture prepared Recommendations Concerning the Collective Administration of Copyright and Related Rights in the Field of Public Performance and Communication to the Public of Musical Works, approved by Order No 645 as of 25 October 2007 of the Minister of Culture of the Republic of Lithuania. The aforementioned recommendations contain information about licensing schemes for copyright and related rights users and collective management associations. Other methodical recommendations concerning copyright and related rights licensing agreements were prepared for cultural institutions and organizations.

3. Optical Discs

In Lithuania there is no optical discs regulation.

4. Hotlines

5. Relevant contacts and links

| Organisation | Contact details |
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| Ministry of Culture of the Republic of Lithuania | Ms Gyta Berasnevičiūtė, Chief Specialist, Copyright Division J.Basanavičiaus str. 5, LT-01118 Vilnius, Lithuania Phone : +370 5 219 34 63 Fax : +370 5 262 31 20 E-mail : g.berasneviciute@lrkm.lt www.lrkm.lt |
| Customs Department under the Ministry of Finance | Ms Daiva Niedvarienė Chief Inspector, Violation Prevention Division A.Jakšto 1/25 LT-01105 Vilnius, Lithuania Phone: +370 5 266 61 24 Fax: +370 5 266 60 05 E-mail: daiva.niedvariene@cust.lt www.cust.lt |
| Prosecution Service of the Republic of Lithuania | Mr. Kęstutis Gudžiūnas Deputy Chief Prosecutor Rinktinės str. 5A LT-01515 Vilnius, Lithuania Phone: +370 5 266 24 20 Fax: +370 5 266 23 17 E-mail: kestutis.gudziunas@prokuraturos.lt www.prokuraturos.lt |

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| Police Department under the Ministry of the Interior | Mr Robertas Šimulevičius Chief Officer, Intellectual Property Protection Division, Criminal Police Bureau Saltoniškių str. 19 LT-08105 Vilnius, Lithuania Phone: +370 5 271 97 76 Fax: +370 5 271 99 78 E-mail: robertas.simulevicius@policija.lt www.policija.lt |
| Agency of Lithuanian Copyright Protection Association (LATGA-A) | Mr Edmundas Vaitekūnas General Director J.Basanavičiaus str. 4B, LT-01118 Vilnius, Lithuania Phone : +370 5 265 16 00 Fax : +370 5 265 13 77 E-mail : latga@latga.lt www.latga.lt |
| The Lithuanian Neighbouring Rights Association (AGATA) | Ms Liudmila Balcevič General Director S.Žukausko str. 39 LT-09130 Vilnius, Lithuania Phone: +370 5 260 84 13 Fax: +370 5 261 00 64 E-mail: agata@agata.lt www.agata.lt |
| Association of Antipiracy Activities of Lithuania (LANVA) | Mr Vytautas Simanavičius President Savanorių pr. 206-329 Kaunas, Lithuania Phone: +370 37 33 32 95 Fax: +370 37 33 32 95 E-mail: info@anva.lt www.anva.lt |
| Music Industry Association of Lithuania (LMIA) | Mr Kęstutis Pūkas President Šaldytuvų str. 25 LT-45123 Kaunas, Lithuania Phone: +370 37 34 24 24 E-mail: pukas@pukas.lt |
| Infobalt Association | Ms Vilma Misiukonienė Head of EU Affairs, Intellectual Property Protection Akademijos str. 2-519/520 LT-08412 Vilnius, Lithuania Phone: +370 5 262 26 23 Fax: +370 5 262 26 24 E-mail: vilmam@infobalt.lt www.infobalt.lt |
| Business Software Alliance | Mr Ervinas Leontjevas President Žemaitės str. 21 |

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| | LT-03118 Vilnius, Lithuania Phone: +370 5 239 78 12 Fax: +370 5 239 78 31 www.vpia.lt |
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