

 Respondent 105817[\[print\]](#)

Single response: Questionnaire on Limitations and Exceptions 2nd Round
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1. The answers to this questionnaire have been provided on behalf of:

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2. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

1. Specific

3. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

1. Yes

4. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

1. Yes

According to the Art. 23 of the law of Georgia on copyright and relater rights: Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: a. quotations for purposes such as research, criticism or review, provided that they relate to original works made available to the public by means of lawful publication or making available to the public, to the extent justified for the purpose of quotation, including reproduction of short extracts from newspapers and journals for a printed survey; b. use for the purpose of illustrations of short extracts from the works made available to the public by means of lawful publication, in printed matter, radio and television programs, sound and visual recordings of educational character, to the extent justified by the purpose to be achieved; c. reproduction in newspapers or communication to the public of articles on current economic, political or religious topics lawfully published by periodicals or made available to the public and works of same characters communicated to the public, in case where such reproduction is not expressly prohibited by the author or other owner of copyright. Besides, the author shall reserve the right of publication of such works in a collection; d. reproduction or communication to the public of the work seen or heard in the process of reviewing current events, by means of taking photos, broadcast or cable transmission, to the extent justified by the informatory purpose; e. reproduction or communication to the public of publicly delivered political speeches, reports, lectures, addresses, sermons, or other similar works, including speeches made at court sessions through newspapers, journals and other periodicals, to the extent justified by the informatory purpose. At that, the author shall reserve the exclusive right of publication of such works either as a separate collection, or as a book; f. reproduction of a lawfully published work, made for the blind using the relief-dotted print, or other specific means, without any commercial advantage, except for the works

specially created for such uses. Also abovementioned law considers following exceptions and limitations as free uses, without authorization and remuneration: A) USE OF A WORK PERMANENTLY DISPLAYED IN PUBLIC PLACES b) PUBLIC PERFORMANCE OF A MUSICAL WORK AT CEREMONIES C) REPRODUCTION OF A WORK FOR COURT PROCEEDINGS D) EPHEMERAL RECORDING OF A WORK BY A BROADCASTING ORGANIZATION c) Using a computer program and a database d) Decompilation of a program e) Using of databases.

5. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

2. No

6. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

2. No

7. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

1. Yes

According to the Art.21 of the law of Georgia on copyright and related rights: A natural person may reproduce a work made available to the public by means of lawful publication or making available to the public only for personal use without consent of the author or other owner of copyright and without payment of remuneration thereto, but with following exceptions: 1. a. reproduction of architectural works in the form of buildings; b. reproduction of electronic databases, except for the cases provided for by Articles 28 and 30 of the Law of Georgia on copyright and related rights; c. reproduction of computer programs, except for the cases provided for by Articles 28 and 29 of the Law of Georgia on copyright and related rights; d. reprographic copying of books (wholly), music notations (musical work in a graphic form) and works of fine arts; e. reproduction of an audiovisual work or a work fixed in a phonogram or videogram. 2. In the case of reproduction of an audiovisual work or a work fixed in a phonogram by a natural person for personal use, the author or other copyright owner thereof in contrast to the abovementioned rule shall be entitled to the receipt of respective remuneration.

8. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

1. Yes

The Art 21 of the law of Georgia on copyright and related rights provides following: 3. In the case of reproduction of an audiovisual work or a work fixed in a phonogram by a natural person for personal use, the author or other copyright owner thereof, shall, in contrast to the rule provided for in paragraph one of this Article (REPRODUCTION OF A WORK BY NATURAL PERSONS FOR PERSONAL USE), be entitled to the receipt of respective remuneration. 4. The remuneration for the reproduction for personal use, shall be paid by producers and importers of the equipment (audio- and video recorders and other equipment) and of material carriers (audio and video tapes, cassettes, laser disks, compact disks, and other material carriers). 5. The remuneration shall be collected and distributed by one of the organizations that administer the economic rights of authors, performers and phonogram producers on a collective basis, under a agreement concluded between these organizations. Unless the agreement provides otherwise, the remuneration shall be distributed as follows: 40 percent - to the authors, 30 percent - to the performers, and 30 percent - to the phonogram producers. The said organizations may request information concerning production and importation of the equipment and material carriers referred to in paragraph 4 of this Article from natural and legal persons as well as from governmental organizations and institutions. 6. The amount and the payment procedure of the remuneration shall be determined by an agreement between the said producers and importers on the one hand and with one of the organizations that administer the economic rights of authors, performers and phonogram producers on a collective basis on the other hand. If the parties fail to agree, the amount of the remuneration, its calculation and payment procedure shall, subject to the request by any party or the parties, be determined by "Sakpatenti". The decision by "Sakpatenti" may be appealed against in court within 2 months of its making. 7. The remuneration shall be distributed among the authors of the works and other owners of copyright and

related rights, referred to in paragraphs 3 and 5 of this Article. 8. The remuneration shall not be distributed in respect to the equipment and material carriers provided for by paragraph 4 of this Article, which represent: a. the subject of export; b. the professional equipment not intended for domestic use. 9. The remuneration shall not be also paid in the case of importation of the said equipment and material carriers by natural persons for personal purposes. 10. The right of reproduction of the copyrighted works provided for by this Law shall not apply to a temporary copy.

9. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

2. No

10. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

1. Yes

According to Articles 21 and 23 of the law of Georgia on copyright and related rights it is permitted to reproduce and also use works for informatory, teaching and cultural purposes, which are available to the public by means of lawful publication or making available to the public, with mandatory indication of the author and the source used.

11. Does your national statute protect technological measures?

1. Yes

12. Does your national statute protect rights management information?

1. Yes

13. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

2. No

14. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

The law of Georgia on copyright and related rights does not provide such provision.

15. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

2. No

16. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

The law of Georgia on copyright and related rights does not provide such provision. According to the information provided to Sakpatenti there is no legal practice in this sphere.

17. Does your national statute include limitations and exceptions especially for the use of computer programs?

1. Yes

According to the art 28 of the Georgian law on copyright and related rights: A person who lawfully owns a copy of a computer program or database shall have the right without authorization by the author or other owner of copyright and without payment of remuneration to him to do the following: a. to make alterations to the computer program or database where they are necessary for the functioning of technical facilities of the user, as well as to carry out any act related to the functioning of the computer program or database, including loading and storing in the computer memory (for one computer or one network user), as well as correction of apparent errors, unless the copyright agreement provides otherwise; b. to make a back-up copy of the computer program or database, provided that this copy is designated for archival purposes only and for replacement of the lawful owner's copy that has been lost, destroyed or become unusable. 2. The back-up copy of the computer program or database may not be used for the purpose other than that prescribed by paragraph one of this Article and shall be destroyed as soon as the right of ownership of the computer program or database owner is terminated. Also according to the Art 29 of the law of Georgia on copyright and related rights: A person who lawfully owns a copy of the computer program is authorized, without the consent of the author or other owner of copyright and without payment of remuneration to him/her, to carry out decompilation of the computer program (to reproduce and transform the objective code into the initial text), also entrust decompilation to other persons in the case when it is necessary to achieve interoperability of an independently created computer program created with other programs, provided that the following conditions are met: a. these acts are performed by the person having a right to use a copy of the program, or on his/her behalf by a person authorized to do so; b. the information necessary to achieve interoperability has not previously been available to the person from other sources; c. these acts are confined to the parts of the decompiled program which are necessary to achieve interoperability; d. the information obtained through decompilation may not be used for reasons other than to achieve interoperability of the independently created computer program with other programs. This information may not be given to other persons or to be used for the development of a new computer program substantially similar in its expression or for any other act which infringe copyright.

18. Does your national statute provide limitations and exceptions for the temporary use of digital works?

1. Yes

According to the Art 27 of the law of Georgian on copyright and related rights: A broadcasting organization is authorized, without the consent of the author or other owner of copyright and without payment of additional remuneration thereto, make ephemeral (short-term) recordings of the works, which the organization has the right to use in broadcasting, provided that: a. it makes such recordings by means of own facilities and for own broadcasts; b. it shall destroy such recordings within 6 months after their making, unless a longer period has been agreed with the author of the recorded work. The preservation of these recordings in official archives without the author's consent may be permitted only on the grounds of their exceptional documentary character. Also According to the Art 53 of the law of Georgian on copyright and related rights: A broadcasting organization may, without the authorization by the performer, phonogram or videogram producer and broadcasting organization, carry out an ephemeral (short-term) fixation of a performance or broadcast and reproduce it in compliance with the following conditions: a. obtaining of a prior consent to the transmission of a performance or broadcast; b. ephemeral fixation and its reproduction by means of own facilities and for own broadcasts; c. destruction of the ephemeral fixation under the condition specified for ephemeral recordings of scientific, literary and artistic works.

19. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

2. No

20. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

2. No

21. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Georgian law on copyright and related rights does not define the time average. According to information provided to Sakpatenti there is no such legal practice in Georgia.

22. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents [SCCR/19/4](#), [SCCR/19/5](#), [SCCR/19/6](#), [SCCR/19/7](#), [SCCR/19/8](#))¹, do you consider that the analysis is correct?

1. Yes

Yes, but analysis is based on the amendments of Dec.5,2000, which is not relevant for nowadays, because the latest amendments were made in June,3, 2005

23. Does your national statute provide specific limitations and exceptions for educational purposes?

1. Yes

According to the Art 22 of the law of Georgia on copyright and related rights: Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: a. in a single copy of lawfully published individual articles and other small-volume works, or excerpts from written works (other than computer programs), by libraries and archives, at the request of natural persons, for educational, scientific or personal purposes; b. of short extracts from the lawfully published individual articles and other small-volume works, or written works (other than computer programs), by educational institutions for teaching purposes. Also according to the Art 23 of the law of Georgia on copyright and related rights: Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: a. quotations for purposes such as research, criticism or review, provided that they relate to original works made available to the public by means of lawful publication or making available to the public, to the extent justified for the purpose of quotation, including reproduction of short extracts from newspapers and journals for a printed survey; b. use for the purpose of illustrations of short extracts from the works made available to the public by means of lawful publication, in printed matter, radio and television programs, sound and visual recordings of educational character, to the extent justified by the purpose to be achieved; Also According to the Art 51 of the law of Georgia on copyright and related rights: 2. The use of a performance, phonogram, videogram and broadcast of a broadcasting organization and recordings thereof without the consent of the performers, phonogram or videogram producers and broadcasting organizations and without remuneration, shall be permitted in the following cases: a. in the case of quotations from a performance, phonogram, videogram, broadcast of a broadcasting organization for purposes such as research, criticism or review, and informatory purposes, only to the extent justified for the purpose of quotation; b. in the case of use for the sole purpose of illustration of extracts from a performance, phonogram, videogram, broadcast of a broadcasting organization excerpts and illustrations for teaching and scientific research, only to the extent justified by the purpose to be achieved;

24. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

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Georgian law on copyright and related rights does not specify the type of the abovementioned activity.

25. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

1. Yes

According to the art. 51 par. 2 sub.par.b) The use of a performance, phonogram, videogram and broadcast of a broadcasting organization and recordings thereof without the consent of the performers, phonogram or videogram producers and broadcasting organizations and without remuneration, shall be permitted in the following cases: b. in the case of use for the sole purpose of illustration of extracts from a performance, phonogram, videogram, broadcast of a broadcasting organization excerpts and illustrations for teaching and scientific research, only to the extent justified by the purpose to be achieved;

26. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

2. No

51 par. 2. sub.par b) describes the quantitative limit of objects of related rights, which's "extent should be specified by the purpose to be achieved".

27. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

1. Yes

28. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

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Georgian Law on copyright and related rights does not define such persons or institutions.

29. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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30. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

1. Yes

According to the Art 23 of the Law of Georgia on copyright and related rights: Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: a) quotations for purposes such as research, criticism or review, provided that they relate to original works made available to the public by means of lawful publication or making available to the public, to the extent justified for the purpose of quotation, including reproduction of short extracts from newspapers and journals for a printed survey; b) use for the purpose of illustrations of short extracts from the works made available to the public by means of lawful publication, in printed matter, radio and television programs, sound and visual recordings of educational character, to the

extent justified by the purpose to be achieved; Also According to the Art 22 law of Georgia on copyright and related rights: Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: a. in a single copy of lawfully published individual articles and other small-volume works, or excerpts from written works (other than computer programs), by libraries and archives, at the request of natural persons, for educational, scientific or personal purposes; b. of short extracts from the lawfully published individual articles and other small-volume works, or written works (other than computer programs), by educational institutions for teaching purposes.

31. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

1. Reprography

According to the law of Georgia on copyright and related rights Art 4 sub. par o) "reprographic reproduction (copying)" - the making of a copy of the original of a work, data or other material expressed by written or graphic means or of facsimiles of copies thereof in any size by any means of photocopying or other technical means. The recording in an electronic form (including digital), optical or other machine-readable form shall not be deemed to reprographic reproduction;

32. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

2. No

The law of Georgia on copyright and related rights does not specify abovementioned.

33. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

2. No

34. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

1. Yes

According to the law of Georgia on copyright and related rights art 23 Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: a. quotations for purposes such as research, criticism or review, provided that they relate to original works made available to the public by means of lawful publication or making available to the public, to the extent justified for the purpose of quotation, including reproduction of short extracts from newspapers and journals for a printed survey; b. use for the purpose of illustrations of short extracts from the works made available to the public by means of lawful publication, in printed matter, radio and television programs, sound and visual recordings of educational character, to the extent justified by the purpose to be achieved; Also According to the Art 22 of the law of Georgia on copyright and related rights: Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: b. in a single copy of lawfully published individual articles and other small-volume works, or excerpts from written works (other than computer programs), by libraries and archives, at the request of natural persons, for educational, scientific or personal purposes; c. of short extracts from the lawfully published individual articles and other small-volume works, or written works (other than computer programs), by educational institutions for teaching purposes.

35. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing

reproduction for educational purposes? (more than one option can be selected)

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Georgian Law on copyright and related rights does not define such persons or institutions.

36. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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37. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned.

38. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

2. No

39. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

2. No

The law of Georgia on copyright and related rights does not provide such provision.

40. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

2. No

The law of Georgia on copyright and related rights does not provide such provision.

41. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

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According to the law of Georgia on copyright and related rights answer on this question can not be provided.

42. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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43. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

2. No

44. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

2. No

The law of Georgia on copyright and related rights does not specify abovementioned.

45. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

2. No

46. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

2. No

47. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

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Georgian Law does not define such persons or institutions.

48. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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49. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned.

50. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

2. No

51. If not, what other limitations and exceptions for educational purposes would be necessary?

Currently Georgia has no suggestions.

52. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

1. Yes

Lack of information.

53. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)³, do you consider that the analysis is correct?

1. Yes

54. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

1. Yes

According to the Georgian law on copyright and related rights Art.22 Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: a) in a single copy, to replace for libraries and archives copies of lawfully published works that have been lost, damaged or become unusable; to replace copies of collections for other libraries that have been lost, damaged or become unusable and it is impossible to obtain such copies in some other acceptable manner;

55. What types of works may be reproduced for these purposes?

Georgian law does not define the type of works which may be reproduced for these purposes.

56. Does your national statute establish qualitative or quantitative limits for these purposes?

1. Yes

According to the Georgian law on copyright and related rights Art.22 Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: a) in a single copy, to replace for libraries and archives copies of lawfully published works that have been lost, damaged or become unusable; to replace copies of collections for other libraries that have been lost, damaged or become unusable and it is impossible to obtain such copies in some other acceptable manner;

57. What other conditions must be met in order for such reproduction to be authorized?

Georgian law on copyright and related rights does not specify other provisions related to abovementioned.

58. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

1. Yes

copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's

name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: b. in a single copy of lawfully published individual articles and other small-volume works, or excerpts from written works (other than computer programs), by libraries and archives, at the request of natural persons, for educational, scientific or personal purposes;

59. What types of works may be reproduced for these purposes?

According to the Art 23 of the Georgian law on copyright and related rights Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: b. in a single copy of lawfully published individual articles and other small-volume works, or excerpts from written works (other than computer programs), by libraries and archives, at the request of natural persons, for educational, scientific or personal purposes;

60. Does your national statute include specific provisions regarding orphan works?

2. No

61. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

2. No

Currently Georgia has no plans to modify legal provisions regarding abovementioned.

62. If not, what other limitations and exceptions for libraries and archives would be necessary?

Currently Georgia has no suggestions.

63. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

1. Yes

Lack of information.

64. Does your national statute establish qualitative or quantitative limits for these purposes?

1. Yes

According to the art 23 of the law of Georgia on copyright and related rights: Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: a. in a single copy, to replace for libraries and archives copies of lawfully published works that have been lost, damaged or become unusable; to replace copies of collections for other libraries that have been lost, damaged or become unusable and it is impossible to obtain such copies in some other acceptable manner; b. in a single copy of lawfully published individual articles and other small-volume works, or excerpts from written works (other than computer programs), by libraries and archives, at the request of natural persons, for educational, scientific or personal purposes;

65. What other conditions must be met in order for such reproduction to be authorized?

Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: a. in a single copy, to replace for libraries and archives copies of lawfully published works that have been lost, damaged or become unusable; to replace copies of collections for other libraries that have been lost, damaged or become unusable and it is impossible to obtain such copies in some other acceptable manner; b. in a single copy of lawfully published individual articles and other small-volume works, or excerpts from written works (other than computer programs), by libraries and archives, at the request of natural persons, for educational, scientific or personal purposes;

66. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

1. Yes

Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: a. in a single copy, to replace for libraries and archives copies of lawfully published works that have been lost, damaged or become unusable; to replace copies of collections for other libraries that have been lost, damaged or become unusable and it is impossible to obtain such copies in some other acceptable manner;

67. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

1. Yes

Georgian law on copyright and related rights contain provision concerning Archives. According to the art 23 of Georgian law on copyright and related rights: Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: a. in a single copy, to replace for libraries and archives copies of lawfully published works that have been lost, damaged or become unusable; to replace copies of collections for other libraries that have been lost, damaged or become unusable and it is impossible to obtain such copies in some other acceptable manner; Georgian law on copyright and related rights contain provision concerning Archives. According to the art 23 of Georgian law on copyright and related rights: Reprographic copying, without receiving direct or indirect profit, shall be permitted without the consent of the author or other copyright owner and without paying remuneration thereto, as long as the source, including the author's name, is indicated, and in separate cases - to the extent justified by the set aim. Such reprographic copying shall be permitted: a. in a single copy, to replace for libraries and archives copies of lawfully published works that have been lost, damaged or become unusable; to replace copies of collections for other libraries that have been lost, damaged or become unusable and it is impossible to obtain such copies in some other acceptable manner;

68. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)⁴, do you consider that the analysis is correct?

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69. Does your national statute contain any limitations or exceptions that permit reproduction, distribution,

and/or other form of utilization of works for persons with print disabilities⁵ or visually impaired persons, including the reading impaired?

1. Yes

According to the Art. 23. Sub. par. f) of the law of Georgia on copyright and related rights: Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: reproduction of a lawfully published work, made for the blind using the relief-dotted print, or other specific means, without any commercial advantage, except for the works specially created for such uses.

70. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

1. Yes

: According to the Art. 23 sub. par. f) of the law of Georgia on copyright and related rights Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: reproduction of a lawfully published work, made for the blind using the relief-dotted print, or other specific means, without any commercial advantage, except for the works specially created for such uses.

71. What other conditions must be met in order for such uses to be authorized?

According to the Art. 23 sub. par. f) of the law of Georgia on copyright and related rights Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: reproduction of a lawfully published work, made for the blind using the relief-dotted print, or other specific means, without any commercial advantage, except for the works specially created for such uses.

72. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

2. No

The law of Georgia on copyright and related rights does not provide such provision.

73. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned.

74. Does your national statute specify the formats that fall under this exception?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned.

75. What other conditions must be met in order for such uses to be authorized?

-

According to the law of Georgia on copyright and related rights answer on this question can not be provided

76. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned.

77. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned

78. Does your national statute specify the formats that fall under this exception?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned

79. What other conditions must be met in order for such uses to be authorized?

According to the law of Georgia on copyright and related rights answer on this question can not be provided.

80. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned

81. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

2. No

Currently Georgia has no plans to modify legal provisions related to abovementioned.

82. If not, what other the limitations and exceptions for persons with disabilities would be required?

Currently Georgia has no suggestions.

83. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

1. Yes

Lack of information.

84. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

1. Yes

85. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

1. Religious activities

86. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

1. Yes

87. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

2. No

88. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

1. Yes

According to the Art 25 of the law of Georgia on copyright and related rights: Public performance of a musical work lawfully published or made available to the public by means of lawful publication or communication may be performed in public without the consent of the author or other owner of copyright and without payment of remuneration thereto during official, religious and funeral ceremonies, to the extent justified by the character of such a ceremony.

89. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

1. Yes

According to the Art 24 of the law of Georgia on copyright and related rights: It shall be permitted to reproduce or communicate to the public without the consent of the author or other copyright holder and without remuneration thereof images of works of architecture, photography, and fine arts permanently displaced in public places, except for the cases when the image of a work is the main object for such reproduction or communication to the public, or is used for commercial purposes. According to the Art. 23 of the law of Georgia on copyright and related rights: Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: a. quotations for purposes such as research, criticism or review, provided that they relate to original works made available to the public by means of lawful publication or making available to the public, to the extent justified for the purpose of quotation, including reproduction of short extracts from newspapers and journals for a printed survey; b. use for the purpose of illustrations of short extracts from the works made available to the public by means of lawful publication, in printed matter, radio and television programs, sound and visual recordings of educational character, to the extent justified by the purpose to be achieved;

90. Does your national statute provide remuneration for the exercise of limitations and exceptions for

cultural purposes

2. No

91. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

1. Yes

According to the Art 24 of the law of Georgia on copyright and related rights It shall be permitted to reproduce or communicate to the public without the consent of the author or other copyright holder and without remuneration thereof images of works of architecture, photography, and fine arts permanently displaced in public places, except for the cases when the image of a work is the main object for such reproduction or communication to the public, or is used for commercial purposes. According to the Art. 51 par. 2 of the law of Georgia on copyright and related rights: Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: 2. The use of a performance, phonogram, videogram and broadcast of a broadcasting organization and recordings thereof without the consent of the performers, phonogram or videogram producers and broadcasting organizations and without remuneration, shall be permitted in the following cases: a. in the case of quotations from a performance, phonogram, videogram, broadcast of a broadcasting organization for purposes such as research, criticism or review, and informatory purposes, only to the extent justified for the purpose of quotation; b. in the case of use for the sole purpose of illustration of extracts from a performance, phonogram, videogram, broadcast of a broadcasting organization excerpts and illustrations for teaching and scientific research, only to the extent justified by the purpose to be achieved;

92. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

2. No

93. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

2. No

94. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned

95. Does your national statute provide any limitations or exceptions for reverse engineering?

2. No

96. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

2. No

Law of Georgia on copyright and related rights does not contain provisions related to abovementioned.

97. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

2. No

Georgian law on copyright and related rights does not contain provisions related to abovementioned

98. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

-

Georgian law on copyright and related rights does not provide abovementioned.

99. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

According to the Law of Georgia on copyright and related rights an answer on this question can not be provided.

100. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

1. right of quotation
2. news reporting
3. ephemeral copies
4. incidental uses
5. government uses
6. non-voluntary license for broadcasting
7. non-voluntary license for mechanical reproduction of musical works

According to the article 23 of the Georgian law on copyright and related rights the following limitations and exceptions are considered: Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted: 1. quotations for purposes such as research, criticism or review, provided that they relate to original works made available to the public by means of lawful publication or making available to the public, to the extent justified for the purpose of quotation, including reproduction of short extracts from newspapers and journals for a printed survey; 2. reproduction or communication to the public of the work seen or heard in the process of reviewing current events, by means of taking photos, broadcast or cable transmission, to the extent justified by the informatory purpose; 3. reproduction or communication to the public of publicly delivered political speeches, reports, lectures, addresses, sermons, or other similar works, including speeches made at court sessions through newspapers, journals and other periodicals, to the extent justified by the informatory purpose. At that, the author shall reserve the exclusive right of publication of such works either as a separate collection, or as a book According to the art. 26 of the law of Georgia on copyright and related rights: A work may be reproduced for court proceedings without the consent of the author or other owner of copyright and without payment of remuneration thereto, to the extent justified by the purpose to be achieved. According to the Art. 27. of the law of Georgia on copyright and related rights: A broadcasting organization is authorized, without the consent of the author or other owner of copyright and without payment of additional remuneration thereto, make ephemeral (short-term) recordings of the works, which the organization has the right to use in broadcasting, provided that: c. it makes such recordings by means of own facilities and for own broadcasts; d. it shall destroy such recordings within 6 months after their making, unless a longer period has been agreed with the author of the recorded work. The preservation of these recordings in official archives without the author's consent may be permitted only on the grounds of their exceptional documentary character. According to the Art. 53. of the law of Georgia

on copyright and related rights A broadcasting organization may, without the authorization by the performer, phonogram or videogram producer and broadcasting organization, carry out an ephemeral (short-term) fixation of a performance or broadcast and reproduce it in compliance with the following conditions: a. obtaining of a prior consent to the transmission of a performance or broadcast; b. ephemeral fixation and its reproduction by means of own facilities and for own broadcasts; c. destruction of the ephemeral fixation under the condition specified for ephemeral recordings of scientific, literary and artistic works. According to the law of Georgia on copyright and related rights Art. 21 par. 3: In the case of reproduction of an audiovisual work or a work fixed in a phonogram by a natural person for personal use, the author or other copyright owner thereof, shall, in contrast to the rule provided for in paragraph one of this Article (REPRODUCTION OF A WORK BY NATURAL PERSONS FOR PERSONAL USE), be entitled to the receipt of respective remuneration. 4. The remuneration for the reproduction for personal use, shall be paid by producers and importers of the equipment (audio-and video recorders and other equipment) and of material carriers (audio and video tapes, cassettes, laser disks, compact disks, and other material carriers). 5. The remuneration shall be collected and distributed by one of the organizations that administer the economic rights of authors, performers and phonogram producers on a collective basis, under a agreement concluded between these organizations. Unless the agreement provides otherwise, the remuneration shall be distributed as follows: 40 percent - to the authors, 30 percent - to the performers, and 30 percent - to the phonogram producers. The said organizations may request information concerning production and importation of the equipment and material carriers referred to in paragraph 4 of this Article from natural and legal persons as well as from governmental organizations and institutions. 6. The amount and the payment procedure of the remuneration shall be determined by an agreement between the said producers and importers on the one hand and with one of the organizations that administer the economic rights of authors, performers and phonogram producers on a collective basis on the other hand. If the parties fail to agree, the amount of the remuneration, its calculation and payment procedure shall, subject to the request by any party or the parties, be determined by "Sakpatenti". The decision by "Sakpatenti" may be appealed against in court within 2 months of its making. 7. The remuneration shall be distributed among the authors of the works and other owners of copyright and related rights, referred to in paragraphs 3 and 5 of this Article. 8. The remuneration shall not be distributed in respect to the equipment and material carriers provided for by paragraph 4 of this Article, which represent: a. the subject of export; b. the professional equipment not intended for domestic use. 9. The remuneration shall not be also paid in the case of importation of the said equipment and material carriers by natural persons for personal purposes.

101. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

1. Yes

According to the article 30 of the Georgian law on copyright and related rights: The lawful user of a database or a copy thereof is entitled to perform any of the acts provided for by Article 19 (temporary or permanent reproduction of a database, , translation, adaptation, arrangement and any other alteration of the database and etc.) of this Law which is necessary for the purposes of access to the contents of the database and normal use of the contents without the authorization by the author of the database or other owner of copyright. Where the lawful user is authorized to use only part of the database, this provision shall apply only to that part.

102. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

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Georgia is negotiating for signing free trade agreements with The EU and USA, but drafts of these agreements does not contain clauses on copyright and related rights exceptions and limitations.

103. If so, with which country or group of countries?

104. Please add any further comments and information you deem interesting for this questionnaire.

Currently Georgia has no suggestions.