

QUESTIONNAIRE

A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?

In Lithuania there is no copyright registration system, therefore we don't have copyright registering/recording body.

2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.

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3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.

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4. Is the copyright registry interconnected to any other copyright data system?

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5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

According to Article 13 of Republic of Lithuania Law on Copyright and Related Rights (Official Gazette 1999, No. 50-1598; 2003, No. 28-1125), authors' rights in literary, scientific and artistic works commence since the creation of such works. There is no relevant national legislation regarding copyright recordation/registration.

6. What kind of copyright works can be registered/recorded? Is the registration/recording process different for each type of copyrighted work? Please describe the differences, if any.

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7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration/recording process than for works protected by copyright?

For subject matter of related rights there is no registration/recording procedure as well.

8. Is there a possibility to record the transfer or licensing of copyright/related rights?

Each transfer or licensing of copyright/related rights takes place according to the agreement, concluded between private parties. There is no public record system for copyright/related rights transfer or licensing agreements.

9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recordation?

No.

10. What is the legal effect of registration?

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11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?

- (a) Recognition of creation? Voluntary
- (b) Transfer of rights? Voluntary
- (c) Initiation of judicial proceedings? Voluntary
- (d) Other changes in title/ownership (such as leasing)? Voluntary

If your country has a mandatory registration/recordation system, please describe any legal consequences for non-compliance.

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?

There is no data about court practice regarding copyright registration in other countries.

13. What are the requirements for registration?

- (a) What are the mandatory elements of the request for registration/recordation?
- (b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?
- (c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?
- (d) Is there a registration/recordation fee? If so, how much is the registration/recordation fee?
- (e) What is the average time taken to complete the registration/recordation process?

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14. Are foreigners allowed to register/record their creations? Are people without legal residence in your country allowed to register/record their creations? Is there a different registration/recordation process for domestic as opposed to foreign works or objects of related rights?

Same system applies to domestic and to foreign works or objects of related rights.

15. Are the files stored in digital form?

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16. What criteria are followed for classification of the registrations/recordations (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? Is it possible to correct or update relevant information?

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17. Does the system have a search facility?

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18. Is it accessible by the public? Is the search facility available online?

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19. Is access granted to the work registered or its copies?

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20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?

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21. Does your country have legislation dealing specifically with “orphan works”, i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.

There is no legislation dealing specifically with “orphan works” in Lithuania.

22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of “orphan works”?

Artists’ associations, as well as collective management association of copyright, are able to help to identify and/or locate the copyright owner of “orphan work”.

23. Does the registering/recording body play a relevant role in the legislation or practice dealing with “orphan works”?

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24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?

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25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?

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26. Please provide statistics on following registrations/recordations:

- (a) Number per statistical period (last five years)
- (b) Number per nationality (last five years)
- (c) Number of inquiries/requests for information filed per statistical period (last five years).
- (d) Number of recording/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)

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B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

Yes.

28. Please list relevant national legislation regulating the legal deposit.

Law of Libraries of the Republic of Lithuania (Official Gazette 1995, No. I-920; 2004, No. 120-4431); Law of Public Information of the Republic of Lithuania (Official Gazette 2000, No. VIII-1905; 2004, No. 120-4431); Resolution of the Government of the Republic of Lithuania Regarding the Number of Legal Deposit Documents and their Transmission to the Libraries (Official Gazette 1996, No. 1389; 2006, No. 136-5171).

29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

Mandatory. In case of non compliance administrative fines apply.

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

1. Preservation of cultural heritage; 2. Collection of statistical information; 3. National bibliography.

31. Is there any connection or interaction among legal deposit and copyright protection?

No.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

Article 23 of Law on Copyright and Related rights provides that “without the authorization of the author or other owner of copyright in a work, it shall be permissible to reproduce on paper a work kept in publicly accessible libraries, educational establishments, museums or archives, except the work made available to the public over computer networks (the Internet), not for direct or indirect commercial advantage, when a copy of the work is made *for the purpose of preservation* or replacement of a lost, destroyed or rendered unusable copy from the fonds or collections of the said institutions, or for the purpose of replacement of a lost, destroyed or unfit for use copy from the permanent collection of another similar library or archive, if it is impossible to obtain such a copy by other acceptable means, and if the act of such reproduction is a separate single act. Repeated acts of such reproduction shall be permissible if they are done on unrelated occasions”.

It should be clarified that this provision applies to all copyrighted works kept in publicly accessible libraries, educational establishments, museums or archives, including deposited works.

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

All types of documents, including books, periodical publications, sheet music, microforms, sound and optic materials, cartography, visual, electronic works and materials for people having visual impairment.

34. Does legal deposit apply upon production/printing of content or after its distribution?
Does legal deposit apply to material printed in your country but distributed abroad?

Legal deposit applies upon production/printing of content. Legal deposit to material printed in Lithuania, but distributed abroad is not regulated by law.

35. Is there any type or category of material exempted from legal deposit for policy reasons?

Secret documents are exempted from legal deposit.

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.

Material published in electronic format is included in legal deposit system. There is no distinction between on-line and off-line material, however, the Regulation Concerning National Archival Fund of Published Documents (approved by Order No IV-265 as of 23 April, 2007 of the Minister of Culture of the Republic of Lithuania) specifies the definition of electronic resources and contains provisions regarding archive of electronic resources.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or *de luxe* editions?

The depositor has to deposit 5 copies of documents. Specific documents are deposited to Lithuanian Library for the Blind (1 copy) and to Lithuanian Technical Library (1 copy). There are no special conditions for limited or *de luxe* editions.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

Publishers are responsible for delivering the legal deposit.

39. What are the time requirements for legal deposit?

Legal deposit has to be delivered within two days after the publication.

40. Is there a payment or compensation involved in legal deposit? If so, Please indicate its amount.

There is no payment or compensation involved in legal deposit.

41. What is/are the entity/entities responsible for acting as legal depository?

Six entities are responsible for acting as legal depository: Martynas Mažvydas National Library of Lithuania, Kaunas County Public Library, Vilnius University Library, Lithuanian Academy of Sciences Library, Lithuanian Library for the Blind and Lithuanian Technical Library.

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

General public can access legally deposited materials in special reading rooms and only in such case if there is no other copy of respective document in library funds. Order of use is established by the director of library.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

Depositories provide publicly available search facilities – union catalogue LIBIS. It is accessible on-line.

44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

Legal deposit is linked to the International Standard Books Number (ISBN) and to the International Standard Serial Number (ISSN).

45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

There is no data available, however it can be obtained later upon request.