

FINAL QUESTIONNAIRE ON LIMITATIONS AND EXCEPTIONS

Country: LATVIA

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Part I: General

1. 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?

Specific

Open

Mixed

Others, please describe: _____

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

Yes

No

Partially, please describe: _____

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

Yes

No

If yes, please describe:

In accordance with **Article 19** of the Copyright Law copyright shall not be considered infringed if a work of an author is used without the consent of the author and without remuneration pursuant to the procedures specified by this Law:

1) a work is used for informational purposes taking into account the provisions of Article 20 of this Law;

2) a work is used for educational and research purposes taking into account the provisions of Article 21 of this Law;

3) a work is reproduced in order that the visually impaired or the hearing-impaired may use it;

4) a work is used for the needs of libraries, archives and museums;

5) a work is reproduced for the purposes of judicial proceedings;

6) a use is made of a work that is publicly accessible or on display;

7) a work is used in a public performance during official or religious ceremonies, as well as in teaching institutions as part of a face-to-face teaching process;

- 8) a work is used ephemeraly by broadcasting organisations;
- 9) a work is parodied or caricatured;
- 10) computer programs are used for reproduction, translation and other transformations pursuant to Article 29 of this Law;
- 11) to ensure the interoperability of a computer program; and
- 12) the alienation of a work to another person occurs repeatedly, except as provided for in Article 17 of this Law.

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

- Yes
 No

If yes, please describe:

In accordance with the Latvian Copyright Law without the permission of the author but, on the condition, that author is entitled to receive a fair compensation it is allowed:

- 1) to use published works for public lending in libraries;
- 2) for natural person to reproduce (including in a digital format) in one copy works that have been included in lawfully acquired films or phonograms or in other form of protected expression, as well as visual works for personal use without direct or indirect commercial purpose;
- 3) for natural person to reprographically reproduce published works, except for sheet music, for personal use without direct or indirect commercial purpose.

5. 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)?

- Yes
 No

6. 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?

- Yes
 No

Please describe:

In accordance with the Latvian Copyright Law without the permission of the author but, on the condition, that author is entitled to receive a fair compensation it is allowed:

- 1) for natural person to reproduce (including in a digital format) in one copy works that have been included in lawfully acquired films or phonograms or in other form of protected expression, as well as visual works for personal use without direct or indirect commercial purpose;
- 2) for natural person to reprographically reproduce published works, except for sheet music, for personal use without direct or indirect commercial purpose.

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

- Yes
 No

If yes, please describe: see answer to question No.6

8. 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?

- Yes
 No

If yes, please describe:

9. 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)?

- Yes
 No

If yes, please describe:

In accordance with the Latvian Copyright Law without the permission of the author but, on the condition, that author is entitled to receive a fair compensation it is allowed for natural person to reproduce (including in a digital format) in one copy works that have been included in lawfully acquired films or phonograms or in other form of protected expression, as well as visual works for personal use without direct or indirect commercial purpose;

10. Does your national statute protect technological measures?

- Yes
 No

11. Does your national statute protect rights management information?

- Yes
 No

12. 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?

- Yes
 No

If yes, please describe:

Article 18 (4) of the Copyright Law states: if a user of the work has the right to use the work in the cases specified in the Law (*several cases of copyright restrictions*), but he or she cannot implement these rights due to the effective technological measures used by the author, he or she has the right to request that the author gives access to such works taking into account the restrictions of the rights of an author.

The similar provision is applied in relation to neighboring rights' restrictions.

13. 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?

Please describe: No information available

14. 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?

- Yes
 No

If yes, please describe: _____

15. 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?

Please describe: No information available

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

- Yes
 No

Please describe:

Article 29 of the Copyright Law. Restrictions Regarding the Rights of Reproduction, Translation, Adaptation and any other Transformation of Computer Programs

(1) If not specified otherwise by contract, and the right to use a computer program has been lawfully obtained, its reproduction, translation, adaptation or any other transformation and the reproduction of the results of such activities shall not require any special permission from the rightholder, as long as such activities (including correction of errors) are necessary for the purpose of the intended use of the computer program.

(2) A contract entered into with a person who has lawfully acquired the right to use a computer program may not prohibit the making of a back-up copy, if such copy is necessary for the use of the computer program.

(3) A person who has the right to use a computer program may, without the permission of the holder of the copyright, observe, study or test the functioning of the program in order to discover the ideas and principles which underlie any element of the computer program, if such person does so while demonstrating, using, broadcasting or storing.

Article 30 of the Copyright Law. Ensuring the Interoperability of Computer Programs

(1) The permission of the holder of a copyright shall not be required, if, without reproducing the code of the computer program or modifying its form, it is not possible to obtain the necessary information in order to achieve the interoperability of an independently created computer program with other computer programs. Such use shall be permitted, if the following provisions are observed in their entirety:

1) a person who has lawfully acquired the right to use a copy of the computer program performs the relevant activities;

2) the information necessary to achieve interoperability has not been easily accessible beforehand; and

3) only those parts of the computer program, which are necessary to achieve interoperability, are subject to such activities.

(2) In accordance with the provisions of Paragraph one of this Section, the information obtained may not be:

1) used for purposes other than to achieve interoperability with an independently created computer program;

2) disclosed to other persons, except in cases when it is necessary to achieve interoperability with an independently created computer program; and

3) used with the intention of developing, producing or selling a substantially similar computer program, or for any other activity whereby copyright is infringed.

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

Yes

No

Please describe:

Article 33 of the Copyright Law. It is permitted to temporarily reproduce a work without the consent of the author and without remuneration if the reproduction of the work is an integral part and an essential component of a technological process and the purpose of the reproduction is to permit the sending of the work performed by the intermediary to a data network between third persons or the lawful use thereof, and if such reproduction has no independent economic significance.

18. 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?

- Yes
 No

Please describe:

19. 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?

- Yes
 No

If yes, please describe: _____

20. 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?

Please describe: no information available.

Part II: Limitations and Exceptions related to Educational Activities

21. 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?

- Yes
 No
 The national statute was not included in the analysis

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

- Yes
 No

Please list them:

Article 21 of the Copyright Law. It being mandatory that the title and name of the author of the work are indicated and that the provisions of Article 18 of this Law are observed, it is permitted to use communicated or published works or fragments of them in textbooks which are in conformity with educational standards, in radio and television broadcasts, in audio-visual works, in visual aids and the like, which are specially created and used in the face-to-face teaching and research process in educational and research institutions for non-commercial purposes to the extent justified by the purpose of their activity .

Article 26 of the Copyright Law. Free Use of a Work in a Public Performance

In compliance with the provisions of Article 18, Paragraph two of this Law, a work may be performed in public without the consent of the author and without the payment of royalties:

...

2) within the framework of the implementation of an educational programme, to an extent that corresponds to the teaching process and for non-commercial purposes, with a mandatory indication of the title and the name of the author of the work being used, and in compliance with the condition that the work is performed in public to an audience consisting

¹ For Latin American and the Caribbean countries, document SCCR/19/4. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303

For African countries, document SCCR/19/5. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241

For Arab countries, document SCCR/19/6. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302

For Asian and the Pacific countries, document SCCR/19/7. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393

of only the teachers, students or persons directly associated with the implementation of the relevant educational programme.

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

- Face-to-face activities
- Distance education
- Both

Please list them: see answer to question No.22

*On performances*²

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

- Yes
 No

If yes, please describe:

Article 26 of the Copyright Law. Free Use of a Work in a Public Performance

In compliance with the provisions of Article 18, Paragraph two of this Law, a work may be performed in public without the consent of the author and without the payment of royalties:

...
2) within the framework of the implementation of an educational programme, to an extent that corresponds to the teaching process and for non-commercial purposes, with a mandatory indication of the title and the name of the author of the work being used, and in compliance with the condition that the work is performed in public to an audience consisting of only the teachers, students or persons directly associated with the implementation of the relevant educational programme.

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

- Yes
 No

If yes, please describe: _____

26. 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?

- Yes
 No

If yes, please describe: see answer to question No.24.

² Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a "right of public performance" in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

27. 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)

Teachers

Students

Educational institutions

Others. Please describe: _____

28. 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)

For-profit

Not-for-profit

Public

Private

Others. Please describe

On reproduction

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

There is no specific limitation allowing reproduction for educational purposes, but general limitation for educational purposes specified in Article 21 applies.

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

Not applicable.

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

See Article 21.

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

Not applicable.

33. 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?

Not applicable.

34. 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)

Teachers

Students

Educational institutions

Others. Please describe: _____

35. 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)

Not applicable.

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

Yes

No

On translations

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

There is no specific limitation allowing translations for educational purposes, but general limitation for educational purposes specified in Article 21 applies.

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

Not applicable.

39. 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?

Not applicable.

40. 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)

Teachers

Students

Educational institutions

Others. Please describe: _____

41. 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)

Not applicable.

On making available in digital networks

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

There is no specific limitation for making available in digital networks for educational purposes, but **Article 23 (2)** of the Copyright Law provides for a limitation related to internal networks of libraries, archives and museums (intranet):

“Without consent from the author, libraries, archives and museums of the state, local government or other derived public persons shall be entitled, without a direct or indirect commercial purpose, to make available the works in their permanent collection, as well as copies thereof made in accordance with Paragraph one of this Article, upon request for the use for scientific research or for self-education purposes, to natural persons who have authorised access to computers specifically set up in the premises of the relevant library, archive or museum. Such service shall be ensured by the relevant library, archive or museum by using exclusively the intranet that has special protection.”

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

Not applicable.

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

In accordance with **Article 23 (4)** of the Copyright Law the remuneration for making available in internal networks of libraries, archives and museums (intranet) is paid within the public lending scheme.

45. 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?

See answer to question No.42.

46. 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)

See answer to question No.42.

47. 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)

Not applicable.

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

Not applicable.

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

- Yes
 No

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

Please describe: _____

51. 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.)?

- Yes
 No

If yes, please describe: _____

Part III: Limitations and Exceptions related to Libraries and Archives

52. 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?

Yes – the analysis is correct, but it doesn't include the latest amendments in the Copyright Law on making available for research or self-education purposes (see answer to question No.42)

No

The national statute was not included in the analysis

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

Yes

No

Please describe:

Article 23 (1) of the Copyright Law:

Pursuant to the provisions of Article 18 (2) of this Law, each library, archive or museum shall be entitled to make one copy of a work existing in their permanent collection by means of reproduction, without a direct or indirect commercial purpose, in order to preserve it or to replace a work from the permanent collection of the relevant or any other library, archive or museum if such work has been damaged or has become unusable on the condition that it is not possible to obtain a copy in some other acceptable manner, and the reproduction is repeated in separate and mutually unrelated cases. Only such works that have been published in Latvia and are not available commercially are permitted to be reproduced in a digital format, unless an agreement with the author determines otherwise.

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

Please describe:

According to Article 23 (1) of the Copyright Law: works existing in the permanent collection of a library, archive or museum

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

Yes

No

Please describe: See Article 23 (1) of the Copyright Law

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

See Article 23 (1) of the Copyright Law

³ Document SCCR/17/2, page 72. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192

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

- Yes
 No

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

Not applicable.

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

- Yes
 No

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

- Yes
 No

If yes, please describe: it is planned to seek solutions for orphan works in accordance with the initiatives of the European Union.

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

Please describe: _____

62. 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.)?

- Yes
 No

If yes, please describe: _____

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

Not applicable.

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

Not applicable.

65. 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?

- Yes
 No

Please describe:

Article 23 of the Copyright Law:

(2) Without consent from the author, libraries, archives and museums of the state, local government or of other derived public persons shall be entitled, without a direct or indirect commercial purpose, to make available the works in their permanent collection, as well as copies thereof made in accordance with Paragraph one of this Article, upon request for the use for scientific research or for self-education purposes, to natural persons who have authorised access to computers specifically set up in the premises of the relevant library, archive or museum. Such service shall be ensured by the relevant library, archive or museum by using exclusively the intranet that has special protection.

(3) The provision specified in Paragraph two of this Article shall also apply to the registered libraries of state, local government and other derived public persons that have access in a closed network to the Latvian Digital Library and are included in the joint state library information system.

66. 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?

- Yes
 No

Please describe: The limitations related to libraries and archives apply also to museums.

Part IV: Limitations and Exceptions for Persons with Disabilities

67. 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?

- Yes
 No
 The national statute was not included in the analysis

68. 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?

- Yes
 No

Please describe:

Article 22 of the Copyright Law. Right to Reproduction of a Work for the Needs of the Visually Impaired and Hearing Impaired

Pursuant to the provision of Article 18, Paragraph two of this Law, organisations for the visually impaired and hearing impaired, as well as libraries which provide services to visually impaired and hearing impaired, shall be permitted to reproduce and distribute works, without remuneration, for non-commercial purposes, in a form perceivable by such impaired insofar as is necessary in the case of the relevant impairment.

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

- Yes
 No

Please describe: in accordance with **Article 22** of the Copyright Law “in a form perceivable by such impaired insofar as is necessary in the case of the relevant impairment”.

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

Please describe: **Article 22** of the Copyright Law – “.. for non-commercial purposes”.

..

⁴ Document SCCR/15/7, page 138. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696

⁵ A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

71. 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?

- Yes
 No

Please describe: _____

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

- Yes
 No

Please describe: See answer to question 68 (Article 22 of the Copyright Law).

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

- Yes
 No

Please describe: see Article 22 of the Copyright Law

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

Please describe: see Article 22 of the Copyright Law

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

- Yes
 No

Please describe: _____

76. 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?

- Yes
 No

Please describe: _____

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

Not applicable

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

Not applicable

79. 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?

Not applicable

80. 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?

- Yes
 No

If yes, please describe: _____

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

Please describe: _____

82. 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.)?

Yes

No

Please describe: _____

Part V: Religious, social and cultural exceptions

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

- Yes (only religious)
 No

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

- Religious activities
 Cultural Activities
 Social Activities

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

- Yes
 No

If yes, please describe:

Article 26 of the Copyright Law. Free Use of a Work in a Public Performance

In compliance with the provisions of Article 18, Paragraph two of this Law, a work may be performed in public without the consent of the author and without the payment of royalties:

1) during official and religious ceremonies, to the extent justified by the nature of the ceremony.

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

- Yes
 No

87. 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?

- Yes
 No

If yes, please describe: **Article 26** of the Copyright Law – “during .. religious ceremonies, to the extent justified by the nature of the ceremony”

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

Not applicable

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

Not applicable

90. 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?

Not applicable

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

Not applicable

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

Not applicable

93. 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?

Not applicable

Part VI: Other questions on digital technology

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

- Yes
 No

If yes, please describe:

Article 29 (3) of the Copyright Law

A person who has the right to use a computer program may, without the permission of the holder of the copyright, observe, study or test the functioning of the program in order to discover the ideas and principles which underlie any element of the computer program, if such person does so while demonstrating, using, broadcasting or storing.

95. 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)?

- Yes
 No

If yes, please describe:

Article 69 (1) of the Copyright Law:

(1) Copyright holders and holders of neighbouring rights, collective management organisations and other representatives of rightholders have the right:

7) to require that intermediaries the services provided by whom are used in order to infringe the rights of the copyright holders or neighbouring rightholders, or who make such infringement possible, shall perform relevant measures for the purpose of preventing the users from being able to perform such infringements. If the intermediary does not perform relevant measures, the copyright holder or rightholder of neighbouring rights or their representative has the right to bring an action against the intermediary.

96. 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?

- Yes
 No

97. 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?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)

- Caching infringing material
- Storing infringing material at the direction of a user
- Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post
- Others. Please specify: _____

98. 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?

Please specify: _____

Part VII: General questions to cover areas left out in Part I to VI

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

- right of quotation
- news reporting
- ephemeral copies
- incidental uses
- government uses
- non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe: _____

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

- Yes
- No

If yes, please describe:

Article 19 of the Copyright Law

Copyright shall not be considered infringed if a work of an author is used without the consent of the author and without remuneration pursuant to the procedures specified by this Law:

- 1) a work is used for informational purposes taking into account the provisions of Article 20 of this Law;
- ..
- 5) a work is reproduced for the purposes of judicial proceedings;
- 6) a use is made of a work that is publicly accessible or on display;
- ..
- 9) a work is parodied or caricatured.

Article 20 of the Copyright Law. Use of a Work for Informational Purposes

(1) It being mandatory that the title of the work and the name of the author to be used are indicated and that the provisions of Articles 14 and 18 of this Law are observed, it is permitted:

- 1) to reproduce works communicated to the public and published in the form of quotations and fragments for scientific, research, polemical, critical purposes, as well as use in news broadcasts and reports of current events to the extent justified by the purpose;
- 2) to publish, to broadcast or otherwise make known publicly given political speeches, addresses, announcements and other analogous works, to the extent justified by the informational purpose; and
- 3) to fixate, communicate to the public and publish current events by photographic works; for a broadcasting organisation – to broadcast works which have been seen or heard in the course of current events, to the extent justified by the informational purpose.

(2) The provisions of this Section shall not apply to computer programs.

101. 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?

No information available.

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

No information available.

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

[End of questionnaire]