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COPYRIGHT AND RELATED RIGHTS OF THE REPUBLIC OF ARMENIA

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Copyright and Related Rights of The Republic of Armenia

Chapter 1. The Objectives of the Law on Copyright and Neighboring Rights

Article 1. The Objectives of the Law on Copyright and Neighboring Rights

This law regulates the relations connected with the creation and use of works of science, literature and art (copyright), performances, phonograms, programs of broadcasting organizations (neighboring rights).

Article 2. Legal Regulation of Societal Relationships in the Sphere of Copyright and Neighboring Rights

Societal relationships in the sphere of copyright and neighboring rights are regulated by the Constitution, Civil Code, this Law, other laws and legal acts of the Republic of Armenia.

Article 3. International Agreements of the Republic of Armenia

If other norms are established in the international agreements signed by the Republic of Armenia, those norms shall be applied.

Article 4. Basic Definitions Used in the Law

The following basic definitions are used in this law:

Exclusive right – the right of the holder of property rights with respect to the results of intellectual activity to lawful use that object of intellectual property at his/her discretion in any form and any manner. The use of the objects of intellectual property by other persons is allowed only with the consent of the rightholder of exclusive rights. The holder of exclusive rights can transfer his property rights to another person in whole or in part;

Disclosure – an act of making the work, phonogram (or video gram) accessible for general knowledge (to an indefinite circle of persons) for the first time with the consent of the author or another rightholder of copyright or neighboring rights by means of publication, public performance, public display, broadcasting or by other means of issuance to the public;

Issuance to the public /publication/ – with the consent of the author or another rightholder of copyright or neighboring rights, the putting into circulation of copies of a work, phonogram (or video gram) manufactured by any means if the accessibility of such copies satisfies the reasonable requirements of the public, taking into account the nature of the work or phonogram (or video gram). The making available of a work or a phonogram (or video gram) by means of electronic information systems shall also constitute publication. The performance of a dramatic,

dramatic-musical, audiovisual or musical work, the recitation of a literary work, the broadcasting of a literary or artistic work, the display of a work of art, and the construction of a work of architecture shall not constitute publication;

Collective work – a work, created by two or more persons, at the initiative and responsibility of a physical or legal person;

Performer – an actor (of theatre, cinema, etc.), a singer, a musician, a conductor, a dancer or another person who performs a role, sings, recites, declaims, plays on a musical instrument, performs literary or artistic works, circus, puppet, variety and other similar shows;

Producer of first fixing of the performances and audiovisual works – a physical or legal person on whose initiative and responsibility the first fixing of any performance, of an audiovisual work or of sounds in the form of a phonogram, video gram or audiovisual record was executed;

Author – a physical person, the result of whose creative labor is a work;

Phonogram – fixing of sounds of a performance or other sounds, or of digital presentations or any other form of presentation thereof, exclusively for listening, in any manner and on any material carrier;

Transmission – display, performance, broadcasting of a performance of a work, of a phonogram, a video gram, of a program of a broadcasting organization or performance of any other act (with the exception of distribution of copies of a work, phonogram (or video gram)), whereby they become audible or visible irrespective of whether or not the public (third persons) actually perceive(s) them;

Broadcasting – distribution of images and (or) sounds or representations thereof through electromagnetic waves by wire (including cable communication) or by wireless means (including broadcasting over the air by radio, television or satellite communications) in such a way as to cause the images and sounds to be received by the public (third persons). The distribution of encrypted signals is also considered *broadcasting* if their decoding means are supplied to the public (third persons) by a broadcasting organization or with its consent;

Transmission (Program) of a broadcasting organization – a body of live or recorded material consisting of images and (or) sounds, or other information, meant for distribution and created by an air or cable broadcasting organization, or on its commission and with its funds by another organization;

Public performance - provision of a work, a performance, a phonogram, a program of a broadcasting organization in the form of a recitation, a game, a song, a dance or in other forms or manners, both directly (live performance) as well as with the help of any equipment or processes, in those places where such provision can be accessible for perception, without the necessity of performing the public program stipulated by Article 14 of this Law, and in the presence or possible presence of persons who do not belong to a common circle of family or relatives,

irrespective of their being in the same place at the same time or in different places at different times;

Public display – display of the original or a copy of a work, a performance, a program of a broadcasting organization, directly or on the screen by means of tapes, slides, TV shots or other equipment and processes, in those places where this display can be accessible for perception without the necessity of a public program stipulated by the next paragraph of this Article, and in the presence or possible presence of persons who do not belong to a common circle of family or relatives, irrespective of their being in the same place at the same time or in different places at different times;

Public display of an audiovisual work means also the display of separate shots of the work without keeping their sequence.

Public broadcasting – broadcasting of a work, a performance, phonogram, a program of a broadcasting organization, images and (or) sounds by airwaves or communication cable or by any other mode, in such a manner that these images and sounds can be received by persons who do not belong to a common circle of family or relatives, in those places whose distance from the initial point of the broadcasting is such as to not allow the images and sounds to be received in the said places or in other locations without the mentioned broadcasting, regardless of whether the above mentioned persons can receive the images and sounds in the same place simultaneously or in different places at different times;

Copy of a phonogram – all the sounds fixed in a phonogram and made on any material carrier from the phonogram directly or indirectly, or the duplicate of a phonogram containing the essential part of the sounds;

Public – group of persons that does not belong to a common circle of family or relatives, regardless of their presence at the same place at the same time or in different places at different times;

Decompiling of a computer program – changing the object code of the program to its initial text;

Rightholder of a copyright and (or) neighboring rights (holder of rights) – an author or a performer endowed with property rights, a physical or legal person to whom property rights were assigned or who was from the beginning endowed with property rights;

Imitation /counter fact/ – copy of a work, the making and distribution of which results in infringement of copyright and neighboring rights;

Director of a play – a person who accomplishes the staging of dramatic, circus, puppet, and pop music or other shows;

Work – a unique result of creative work in the spheres of science, literature or art, expressed in a certain object form, created by the author himself or with other authors jointly;

Copy of a work - the copy of a work, made in any material form;

Essential part of a work – any part of a work that can be independently identified as a part of it by any person familiar with the work;

Distribution of copies of a work, phonogram (or video gram) – giving the public (third parties) access to the original or the copies of a phonogram (or video gram) of the work through sale, renting or handing over for temporary use, or by transfer of ownership or possession rights, or through electronic information systems;

Reproduction – making one or several copies of the whole or part of a work, phonogram (or video gram) in any object form and on any material carrier, including in the form of sound or video recording, as well as its recording in electronic (including digital), optical or other automated readable form for permanent or temporary preservation.

Reprographic reproduction - precise reproduction of one or more copies of the original or the copies of a written or graphic work of any size (enlarged or reduced) through photocopy or other technical means, except those connected with application of printing fonts.

Reprographic reproduction does not include preserving or reproducing of the mentioned copy in electronic (including digital), optical or other automatic readable form.

Rebroadcast – simultaneous or subsequent broadcast of a previously broadcast and fixed program of a broadcasting organization by another broadcasting organization;

Renting out – giving the original or the copy of the work, phonogram (or video gram) for temporary possession and use, with the aim of extracting direct or indirect profit;

Audiovisual work – a series of interrelated images (accompanied by sound or without it) that can be watched and, if accompanied with sound, heard. Works expressed by cinematographic and other similar means (television films, video films, slide films, motion pictures, etc.) are considered audiovisual works;

Public performance of an audiovisual work - display of images of a work in their sequence (including reproduction of the accompanying sounds);

Database – systematized compilation of data or other materials (articles, calculations, facts, etc.) in an automated readable or other manner, which by the choice or arrangement of its content is a result of creative labor.

Chapter 2. Copyright

Article 5. Works Considered Objects of Copyright

Copyright extends to works in the spheres of science, literature and art that are considered the result of creative activity, irrespective of the significance and virtues of the work, as well as the means of its expression.

Objects of copyright are:

- Geographic, geologic and other maps, designs, sketches and plastic works related to geography, topography, geology, architecture and other sciences;

Derivative works, particularly:

- Translations, reworkings of other works (revisions, essays, brief summaries, verviews, summaries, adaptations, arrangements, stagings, cinematographic audiovisual) reworkings and other reworkings of works of science, literature and art) which are individual works within the meaning of the second paragraph of Article 4 of this Law;
- Collections of works (encyclopedias, anthologies, databases) and other compiled or collected works that are, by reason of selection or arrangement of their contents, the results of creative labor;
- Literary works, including scientific works, all types of computer programs (expressed in any programming language and type (including applied programs, functional systems, output texts and object code));
- Works of painting, sculpture, graphics, design and other works of fine arts;
- Dramatic and musical-dramatic works, scenarios, script plans, librettos and other works created for staging;
- Works of applied decorative and stage graphics (stage design) art;
- Design works, fonts;
- Photographic works and works made by similar modes;
- Works of architecture, city-planning, garden and park art;
- Works of architectural-artistic solutions (both completely or their parts);
- Works of choreography and pantomime;

- Other works in compliance with the requirements of this Article;
- Parts and extracts of the work, as well as titles, that are individual works;
- Musical works with text and without;
- Audiovisual works (motion pictures, television films, slide films, and other cinematographic, television, and radio works).

The object of copyright must be expressed in oral, written or other objective form that shall permit its accessibility for perception.

A work in written form or otherwise expressed on a material carrier (manuscript, typescript, musical notation, recording with the use of technical means (including audio or video recording), fixing of an image in two dimensional or volume-spatial form, etc.) shall be considered as having objective form regardless of its accessibility for third parties.

An oral work or other work not expressed on a material carrier shall be considered to have objective form if it has become accessible for perception by third persons (public recitation, public performance, etc.).

Copyright extends to the works made public (published, materialized) as well as to unpublished works.

Article 6. Objects not Considered Subject to Copyright

Copyright does not extend to the following objects:

- Folk works;
- Communications representing media information on daily news or current events;
- Official documents (laws, decisions, verdicts, etc.) as well as their official translations;
- State symbols and signs (flags, coats of arms, medals, currency, etc.);
- Results obtained by the use of technical means without human creative activity.

Copyright does not extend to the discovery of ideas, principles, methods, protocols, procedures, views, systems, proposed solutions, and objectively existing phenomena.

Article 7. Effectiveness of Copyright on the Territory of the Republic of Armenia

In the Republic of Armenia copyright shall be effective with the respect to a work that has been first issued to the public in that territory or, even if it has not been issued to the public, the original of which is on that territory in some objective form. In this case, copyright of the author and his heirs as well as other legal successors is recognized irrespective of their citizenship.

A work is also considered first issued to the public on the territory of the Republic of Armenia if it is issued to the public there within 30 days after having been first issued to the public on the territory of another country.

Copyright shall also be recognized for the citizens of the Republic of Armenia or persons permanently residing on its territory, also for their heirs and other legal successors, whose works were first issued to the public or by some objective form are on the territory of a foreign state.

The following rights are also effective on the territory of the Republic of Armenia:

1. Copyright to such an audiovisual work whose creator's or producer's center of administrative management /headquarters/ or residence is on the territory of the Republic of Armenia;
2. Copyright to an architectural work constructed on the territory of the Republic of Armenia or to other artistic works incorporated in a construction or a building located on that territory.

According to international agreements signed by the Republic of Armenia copyright is also recognized for citizens of other countries, as well as their heirs and other legal successors, whose works were first issued to the public, or in some objective form are located, on the territory of a foreign country. In this case, the provisions of the corresponding international agreement determine the fact of disclosing the work on the territory of a foreign country.

According to international agreements, in cases of granting legal protection to a work on the territory of the Republic of Armenia, the issue of possession of copyright to the work is determined by the legislation of the state where the action or the fact, serving as a basis for the possession of copyright, occurred.

Article 8. Arising of Copyright. Presumption of Copyright

Copyright to a work arises by the fact of creation of a work and does not depend on the official fixation of that right, registration of the work and observance of any other formalities.

The holder of a copyright may, for notification of his rights, use the symbol of protection of copyright that shall be placed on each copy of the work and consists of the following:

- The Latin letter "C" in a circle;
- The name of the holder of the copyright;

- The year of first publication of the work.

The person indicated in the symbol of protection of copyright shall be considered the copyright holder, unless proven otherwise.

The publisher of an anonymous work or a work written under a pseudonym (with the exception of the cases when the identity of the author using a pseudonym leaves no doubt of the identity of the author under pseudonym), whose name is indicated on the work, in the absence of other evidence, is considered to be a representative of the author, who has the right to protect the author's rights and to ensure their execution. This provision shall operate until the author of such a work reveals his identity and declares his authorship.

Article 9. Correlation between the Copyright and the Property Right to the Material Carrier

The exclusive right to a work exists irrespective of the property right to the material object in which that work is expressed.

The alienation of a work, as a material object, by the author shall not signify alienation of copyright.

Article 10. Co-Authorship

Copyright to a work made by the joint creative labor of two or more citizens belongs to the authors jointly regardless of the structure of the work.

A separate part of a jointly created work is considered to have independent significance, if it may be used independently from the other parts of the work.

Each of the co-authors shall have the right to use at his discretion the part of the work created by him having independent significance, unless otherwise provided by their agreement.

The right to use the work wholly belongs to the co-authors jointly. Relations between the co-authors are determined on the basis of an agreement between them. In case of the absence of such an agreement, the copyright to a work shall belong to all the authors jointly, and the received remuneration is distributed among them equally.

Copyright to a work created by co-authorship is recognized if even one of the co-authors holds a copyright according to this Law.

None of the co-authors to the work created by co-authorship and forming one indivisible whole shall have the right to forbid the use of the work without substantiated reasons.

Article 11. The Personal Non-Property Rights of the Author

The author of work has the following personal non-property rights:

1. The right of being recognized as the author of the work (right of authorship);
2. The right of using the work by his name, pseudonym, or anonymously, or the right of allowing its use (the right of the author's name);
3. The right of inviolability of the work (to prohibit making changes and additions in the work, possible distortions, deformations or other trespass to the work);

Regardless of the property rights of the author and the assignment of his exclusive rights of using the work, the private non-property rights belong exclusively to the author.

Article 12. The Property Rights of the Author or Another Holder of Copyright

The author or another copyright holder shall have the exclusive right to use the work in any form, including in the form of a derivative work, and in any mode.

The author or another copyright holder has the exclusive right to permit or forbid the use of his work. The use of the work is considered its reproduction, distribution, including its import and export, and its realization in any other mode, in particular:

1. Public display of the work;
2. Renting out a copy considered a material carrier of the work;
3. Public performance of the work;
4. Broadcasting of the work over the airwaves (by radio or television, including broadcasting by cable or satellite);
5. Technical recording and (or) video recording of the work;
6. Public transmission of the work, or its technical recording and (or) video recording;
7. Reproduction of copies of technical recording and (or) video recording of a work and works of art;
8. Translation, reworking, rearrangement, or revision of the work in any other mode for their later use
9. Practical realization of city planning, architectural, or design plan.

The copyright owner also has the right to forbid the import or export of the copies of the work prepared without his permission.

If the original or the copies of the work are alienated according to the procedure established by law, their further distribution shall be allowed without the consent of the author and without the payment of remuneration with the exception of cases specified by this Law.

The exclusive rights of the copyright holder do not apply to the hiring out or temporary giving out of the original or copies of works expressed in the form of a structure or works of applied decorative art.

The right for distributing the original or the copies of the work through their hiring out or temporary giving out belongs to the copyright holder, irrespective of the property rights with respect to those copies. The mentioned right shall not apply to those computer programs, which are not themselves a basic object of rental or are installed in any machine or production, during the natural use of which they can not be reproduced or copied.

The author has the right to renounce a previously made decision on publication of a work (the right to recall), on condition of compensation the persons with the right to use the work for losses (including lost profit) caused by such a decision. If the work has already been published, the author is obligated to give public notice of its recall. In this case he has the right to remove, at his expense, from circulation previously made copies of the work.

This provision also covers employment works unless a contract with the author provides otherwise.

The exclusive right of the authors to the works of architecture, city planning and garden and park art is the participation in their practical implementation, unless the contract provides otherwise.

The right holder to the copyright is entitled to demand remuneration for using his work, with the exception of the cases provided in Articles 13-18 of this Law, if they do not conflict with the natural operation of the work and do not infringe the lawful interests of the right holder of the copyright with respect to the work.

The procedure and time periods of estimating and remunerating the authorship payment are defined by:

1. An authorship contract;
2. A contract signed between the organizations ensuring the property rights of the author on a membership basis and the users. The Government of the Republic of Armenia shall define the minimal amounts of the author's remuneration.

Article 13. Free Use of a Work

Without the consent of the author or another holder of copyright and without paying the author's remuneration, but with the obligatory indication of the author's name and the original source, it is permitted:

- To quote (cite) the original or translation of extracts of a work discovered by lawful means for scientific, research, discussion, criticism and information purposes, including the reproduction of extracts from the articles of newspapers and magazines in the form of a press review, in amounts justified by the quotation purposes.
- To use the works of literature and art and their extracts discovered by lawful means as an elucidation in educational publications, programs of broadcasting organizations, audio and video recordings, in amounts justified for educational purposes.
- To reproduce in mass media and to broadcast articles lawfully published in the media on current political, economic, social and religious issues or other broadcast works of similar nature, if such a way of using has not been forbidden by the author beforehand.
- To reproduce in mass media and to broadcast publicly recited political speeches, reports, announcements and other similar works in amounts justified by the informational purpose.
- To reproduce and publicly broadcast works of literature and art seen or heard during programs communicating current events through photographic, cinematic or broadcast means in amounts justified by information purposes.
- To use the works for the purposes of judicial and administrative proceedings, in amounts justified by the purpose. In these cases noting the name of the author and the original source is not mandatory.
- To perform in public musical works disclosed by a lawful means:
 - a) during official or religious ceremonies, as well as other ceremonial events, in amounts justified by the nature of the ceremony.
 - b) during educational activities of educational institutions with the participation of teachers and students, if the audience are teachers and students, as well as persons directly connected to the educational institution (parents, guardians, trustees, educators). In those cases the indication of the author's name and the original source is not mandatory.
- To reproduce without profit a lawfully discovered work in “raised dots” fonts or other special means for the blind, with the exception of works created especially for that kind of reproduction.

Article 14. Using Works for Personal Purposes

The reproduction of works disclosed according to the procedure provided by law is permitted without the consent of and remuneration to the author or another copyright holder, exclusively when satisfying personal needs and personal needs of family members.

This provision does not apply to architectural works in the form of a construction or a similar structure, an automated readable database or its essential parts, reproduction of computer programs, as well as reprographic reproduction of books and note texts. The rights of a person disposing by lawful means a computer program for personal use or computer program on reproduction or changing of an automated readable database or a database are defined by Article 18 of this Law.

Article 15. Using the Works through Reprographic Reproduction

Without the consent of the author or another copyright holder and without paying the author's remuneration but with the obligatory indication of the author's name and the original source and without profit, it is permitted:

1. For the libraries and archives - to reproduce reprographically a lawfully published work (1 copy) for the purpose of restoring or substituting the lost or damaged copies, as well as providing other libraries with a copy of the work in case of the loss of their copy, if in ordinary conditions it is impossible to obtain such a copy through other means;
2. For the libraries and archives – to reproduce reprographically (1 copy) for educational and scientific purposes (on demand of the physical persons) short excerpts from lawfully published separate articles, small volume works and other works lawfully published in anthologies, newspapers, periodicals, as well as for the educational institutions – to reproduce them reprographically for lecture-room studies.

Article 16. Free Use of Works Located in Places of Free Access

Without the consent of the author or another copyright holder and without paying the author's remuneration it is permitted to reproduce, broadcast a work of architecture, photography or fine arts which is located in a place of free access, with the exception of the cases when the image of the work is the main object of the reproduction and broadcast, and when the image of the work is used for commercial purposes.

Article 17. Free Use by Broadcasting Organizations of Short-Duration Audio and Video Recordings

A broadcasting organization has the right to produce, without the consent of the author or another copyright holder and without additional remuneration, short duration audio (or video) recordings of works it has been granted the right to broadcast, if the audio (or video) recordings are made by the organization through its own technical equipment and for its own programs.

The organization is obligated to destroy the audio (or video) recordings within 6 months after they are created, if the further use of those audio (or video) recordings is not agreed upon by the author of the work.

Such audio (or video) recordings may be preserved in official archives without the consent of the author of the work, if they are exclusively documentary ones.

Article 18. Free Reproduction of Computer Programs and Automated Readable Databases. Decompiling of Computer Programs

Without the consent of the author of a computer program or another copyright owner, and without paying additional remuneration, the person disposing the right to use a copy of a computer program or automated readable database by lawful means (the person having the right of use, hereinafter, the user), has the right to reproduce or change it in a single copy, if such a copy or reproduction is necessary:

1. for using the computer program or the automated readable database in parallel with the technical means of the lawful user, exclusively for the purpose and the amount for which the program or the database has been created, including for correcting the obvious mistakes present in it;
2. for replacing the computer program or automated readable database obtained by lawful means, in case of the loss, destruction or uselessness of its copy.

When performing one of the functions of loading, demonstration, application, broadcasting of a computer program or saving it in the memory, during the performance of one of his authorized functions, the lawful user of the computer program has the right, without the permission of the author or copyright holder of the computer program, and without paying extra remuneration, to observe, study, explore or test the program applications so as to determine the ideas and principles forming the basis of any element of the computer program.

Without the consent of the author or another copyright owner of a computer program, and without paying extra remuneration, the lawful user of the computer program has the right to reproduce and change the object code of the program to the initial text (to decompile the computer program) or delegate other persons to perform those actions, if those are necessary for obtaining necessary information for achieving compatibility of the computer program created individually with other programs, if the following conditions exist:

1. The information for the lawful user or the persons acting on his instructions for achieving compatibility of the computer program was not previously available from other sources;
2. The mentioned actions are restricted to the parts of the decompiled program, which are necessary for achieving compatibility. The information received as a result of the mentioned decompiling may be used only for the purposes of achieving compatibility of an individually created computer program and may not be:

- Transferred to other persons, with the exception of the cases, when it is necessary for the compatibility of an individually created computer program, or
- Used for processing, producing and marketing of a computer program in a format similar to the decompiled program or for performing any other actions infringing the copyright.

Article 19. Copyright to Employment Work

The copyright of the work created on an employment assignment belongs to the author of the work.

The right to use an employment work in the manner accounted for in the assignment purpose and within the limits arising from it belongs to the person at whose instruction the work was created and with whom the author is in working relations (the employer) if not otherwise stipulated in the contract entered into between the author and the employer.

The employer or the person issuing the work has the right either to indicate his or her name, or to demand such an indication, every time the employment work is being used.

The contract entered into between the author and the employer may stipulate remuneration for the author for using the employment work and contain other conditions for using it.

Upon expiration of 10 years from the moment of the presentation of the work by the author, and with the employer's consent, earlier, the right to use the work and to obtain the author's remuneration is fully transferred to the author, regardless of the concluded contract.

The right of the author to use the employment work in a manner not conditioned by the employment assignment is not limited.

The provisions of this article do not apply to encyclopedias, encyclopedic dictionaries, scientific works, periodic and continuing anthologies, newspapers, magazines and other periodicals created through carrying out employment assignments or duties.

Article 20. Copyright of Audiovisual Works

The authors of an integrated audiovisual work are the scriptwriters, directors, authors of a musical work specially created for the given audiovisual work (with text or without), director of photography, as well as other persons participating on a contractual basis in the creation of the integrated audiovisual work and bringing an individual contribution in the creation of the work.

The person organizing the creation of an audiovisual work is not the author of the given work, if he does not at the same time belong to the list of the persons stated in the first paragraph of this Article. Each of the authors of works included as component parts in the audiovisual work, both previously existing (a novel serving as a basis for the scenario, etc), and created during working

on it (by the director of photography, designer, and other persons) preserves the copyright with respect to his work and may use that work independently, regardless of the integrated audiovisual work, if not stipulated otherwise in the agreement concluded with the person organizing the creation of an audiovisual work.

By concluding the contract on creating the audiovisual work, its authors transfer the exclusive right of using the work, including subtitling and dubbing the work, to the organizer of the creation of the work, unless the contract stipulates otherwise.

During the public performance of an audiovisual work, the authors of the work preserve their rights to obtain author's remuneration for each public performance of the given work or for lending the copies of the work. Collection, distribution and payment of remunerations is implemented by the body securing property rights.

The person organizing the creation of an audiovisual work has the right to indicate his or her name or demand such an indication each time the work is used.

Without the consent of the authors and other right holders of property rights, it is prohibited to destroy the only variant (original or the negative) of the audiovisual work.

Article 21. Copyright of Works of Fine Art

The author of a work of fine art has the right to demand from the owner of the original or the copy of the work to provide him an opportunity to reproduce his work, if the owner's interests are not infringed by doing this. In so doing the owner of the work is not obliged to deliver the work to the place of location of the author. By providing such an opportunity the owner can ask the author to provide him with a pledge or another guarantee equivalent to the market price of the original or the copy. The author shall bear the expenses for using the mentioned rights, as well as the responsibility for any damage to the original or the copy of the work.

The transfer by the author of the ownership rights of a work of fine art to another person (compensated or not compensated) is considered the first alienation of the ownership right to the work.

Over the period of time of copyright validity, the author of a work of fine art (painter, sculptor, writer, composer, etc.) or his or her legal successor after his death makes use of his inalienable right to obtain five percent of the price of each subsequent sale of the original of the work of fine art (including original manuscripts of writers and composers), sold through auction, galleries, art salons, stores, etc, if the re-sale price exceeds the previous one by 20 percent. The collection, distribution and payment of the amounts due to the author or his/her legal successor may be implemented by the organizations securing the property rights of the holders of copyright and neighboring rights.

Only the citizens of a country having granted similar rights to citizens of the Republic of Armenia may make use of the rights stipulated in the third paragraph of this Article.

Article 22. Copyright to Compilation Works

The author of a compilation or other compiled or collected work has the copyright to the selection and arrangement of the materials contained therein, which are considered the results of his own and creative work.

A compiler of a compilation work has the copyright to use the whole work.

The copyright of the compiler of a compilation work shall not damage the rights of the authors of the works included in a compilation work.

The authors of the works included in a compilation work are entitled to use their works separately, if the contract does not stipulate otherwise.

A work included in a compilation work may also be used by other people in another compilation.

Article 23. Copyright to Derivative Works

Reworkers, translators of other works, creators of anthologies and other compilation works, are the authors of a derivative work.

The author of a derivative work has the copyright to use the result of his work, regardless of its being an object of copyright of a work, on which the derivative work is based or which includes it.

The copyright of a derivative work shall not harm the rights of the author of a work that has been translated, changed, rearranged or revised in another way.

The same work may be translated or revised by other persons as well.

Article 24. Copyright to an Interview

The copyright to an audio or video recording of an interview belongs both to the interviewee and to the person who conducts and records or tapes the interview, as co-authors, if no other agreement exists between them.

The publication of an audio or video recording is permitted only with the consent of the interviewee.

Article 25. Copyright to Collective Works

Persons publishing encyclopedias, dictionaries, periodic and continuous anthologies of scientific works, newspapers, magazines and other periodicals, have an exclusive right to use the collective work as a whole. Those persons are entitled to indicate their name (name of the periodical) or demand such an indication every time the collective work is used.

The authors of the works included in a collective work preserve their exclusive rights to use and dispose their works separately, if not otherwise stipulated in the contract.

The person organizing the creation of a collective work cannot be the author of the given work.

Article 26. Inheritance and Term of Validity of Copyright

The property rights of the author are transferred by inheritance. The author's property rights are valid over the period of the whole life of the author and 50 years after his death, counting from January 1 of the year following the year of the author's death.

The copyright of a work created by co-authorship is valid over the period of the life of the co-authors and 50 years after the death of the co-author who lived longer than the other co-authors counting from January 1 of the year following the year of his death.

The copyright of a work published anonymously or under a pseudonym is valid for 50 years counting from January 1 of the year following the year of the first publication of the work. If the identity of the anonymous author or the author represented under a pseudonym is revealed during that time period, the provisions of the second paragraph of this Article are applied.

During the periods stated in the first, second and third paragraphs of this Article the copyright of the work belongs to the heirs and is transferred by inheritance. During the same periods the copyright belongs to those legal successors, who received that right by the contract concluded with the author, his heirs and subsequent legal successors.

The period of validity of property rights in the case of collective and audiovisual works is calculated according to the procedure stated in the third paragraph of this Article, with the exception of the cases when the persons having created the work itself are identified as such in the revealed version of the work. Nevertheless, this provision does not prevent the identified authors, whose identifiable contributions are included in the above mentioned works, to exercise their rights towards the mentioned contributions, in accordance with the provisions stated in the first, second, third, and fourth paragraphs of this Article.

If the work is published in parts, which are not independent or separate (in volumes, issues, columns, rows, series, quotations, etc), the period of validity of the property right for each separate part shall be calculated from the moment of its publication.

The copyright of a work first published within 50 years after the author's death is valid for 50 years, counting from January 1 of the year following the year of the first publication of the work.

The author's personal non-property rights are preserved for an unlimited time. After the author's death the protection of the inviolability of the work is implemented by his heirs, if not otherwise stipulated by the will, as well as by other persons as stipulated by law.

Upon expiration of the period of validity of the protection of property rights of the author, the work becomes public property. Any person can freely use works considered public property

without paying author's remuneration. Meantime, the right of authorship, right of name and right of inviolability of the work shall be maintained.

Article 27. Transferring Property Rights by the Author's Contracts

The author's contract regulates the relations between the author or another copyright holder and the user, as well as legal guarantees for the parties.

An author's contract may be entered into both for an existing work and a work that the author has undertaken to create (a contract of a commission).

The contract entered into by the author or his legal successors granting permission to use the work within certain limits (an author's licensed contract) is also considered to be an author's contract.

Transfer of property rights and the permission to use the work are formulated by the author's contract (exclusive or non-exclusive).

In accordance with an exclusive contract, the transfer of exclusive rights and the use of a work in a certain way and in an order established by the contract is permitted only to the person to whom these rights are transferred. The latter may prohibit the use of the work by other persons. The right of prohibiting the use of the work by other persons may be exercised by the author, if the aforementioned person to whom the exclusive rights are assigned does not exercise that right. A non-exclusive contract, by preserving the right holder's exclusive right of using the work and permitting others to use it, permits the user to make use of the work only within the limits established by the contract.

The permission of the copyright holder is obligatory for each mode of using the work.

If the non-exclusive contract does not stipulate otherwise, it goes into effect after concluding the contract in case the exclusive rights are assigned to another person.

The rights assigned by the author's contract are considered to be non-exclusive, if the contract does not stipulate otherwise.

A contract obligating the author to give to any person the exclusive right of using a work which the author shall create in the future is void.

The conditions of the contract limiting the author's rights of creating in the future a work of a certain type and in a certain field are void.

The right of using a work unknown at the moment of concluding the contract may not be the subject of an author's contract.

Article 28. The Conditions and Forms of an Author's Contract

An author's contract indicates the modes of using the work, the time period of assigning the right of use, the amount of the remuneration or the procedure of defining the amount of the remuneration, the time period and the procedure of payment, as well as other conditions that the parties may consider to be essential.

If the author's contract does not contain the condition about the territory within the limits of which the right of using the work is effective, the effectiveness of the right assigned by the contract is limited only to the territory of the Republic of Armenia.

All the other rights of using the work, not stipulated in the author's contract, are reserved in favor of the author.

An author's contract shall be concluded in a written form.

The author's licensed contract is valid over the time period stated in the contract, but terminates from the moment of expiry of the copyright's period of validity.

Irrespective of the time period stated in the contract, the author of the work or his/her legal successor has the right to withdraw unilaterally from the contract within ten years from the moment of signing the contract, by notifying the other party in writing six months prior to it. The author or his legal successor obtains such a right once every ten years.

The contract may stipulate such time periods of using the work, the infringement of which shall bring about the right of unilateral termination of the contract.

Each party to the contract may fully or partially transfer to other persons the rights assigned by the contract, only if directly stipulated by the contract.

Article 29. The Responsibility of the Parties in Case of Infringing the Author's Contract

The party not having performed the obligations assumed under the author's contract shall compensate the other party for the damage caused (including lost profits).

Chapter 3. Neighboring Rights

Article 30. Subjects and Objects of Neighboring Rights

The subjects of neighboring rights are the performers, producers of the first fixations of performances or audiovisual works, broadcasting organizations.

Neighboring rights extend to stagings, performances, phonograms and video recordings, over-the-air or cable transmissions of broadcasting companies.

The right to a performance belongs to the performers as well as their heirs. The right to the use of such a performance may pass to other legal successors.

The right to phonograms or video recordings belongs to their creators or their legal successors.

The right to broadcast belongs to the over-the-air or cable broadcasting organization that has created the transmission, or its legal successors.

The producers of the first fixations of performances and audiovisual works, the broadcasting organization shall implement their rights indicated in this chapter, in the framework of rights obtained under the contract entered into with the author of a fixed or broadcast work and the performer.

The permission given by the director staging a presentation for the use of a performance shall not remove the necessity to receive permission from other performers participating in the presentation as well as from the author of the performed work.

Article 31. The Procedure of Protecting Neighboring Rights

While exercising their rights performers shall preserve copyrights with respect to a work.

The producers of the first fixations of performances or audiovisual works and broadcasting organizations are obligated to observe the rights of the authors and performers.

Broadcasting organizations are obligated to observe the rights of the producers of the first fixations of performances or audiovisual works.

Observing formalities is not required for the arising and implementation of neighboring rights. For the purpose of declaring their neighboring rights, producers of the first fixations of performances or audiovisual works and performers can place the symbol of protecting of neighboring rights on each copy of the fixation carrier and (or) on the package containing it. The symbol comprises the Latin letter “P” in a circle, the name and designation of the holder of neighboring rights, and the year of first publication of a phonogram (or video recordings).

Article 32. Conditions of Protecting Neighboring Rights

The rights of performers are protected by this law, if:

1. The performer is a citizen of the Republic of Armenia;
2. The first performance was made in the territory of the Republic of Armenia;
3. The performance is fixed in the form of a phonogram (or video recording), and the rights of the producers of the first fixations of performances or audiovisual works are protected by the second paragraph of this article;

4. The performance is not fixed in the form of a phonogram (or video recording) but is included in the transmissions of broadcasting organizations and the rights of the latter are protected by the second paragraph of this article.

The rights of the producers of the first fixations of performances or audiovisual works are protected by this law, if:

1. The producer of the first fixations of a performance or an audiovisual work is a citizen or a legal person of the Republic of Armenia who permanently resides in the territory of the Republic of Armenia or is an organization registered in the territory of the Republic of Armenia;
2. The phonogram or video recording is first published in the territory of the Republic of Armenia or is published in that territory within 30 days after having been first published in a different place;
3. The first fixation of a performance or an audiovisual work was made in the territory of the Republic of Armenia.

The rights of a broadcasting organization are protected by this law if that organization is a legal person of the Republic of Armenia, and the programs are broadcast by transmitters located in the territory of the Republic of Armenia.

The rights of other performers, producers of the first fixations of performances or audiovisual works and broadcasting organizations are protected in the territory of the Republic of Armenia according to international agreements signed by the Republic of Armenia.

Article 33. The Rights of the Performer

The performer has the following exclusive rights to his performance except in cases specified /provided/ by this law:

1. The right of demanding indication of his name;
2. The right to protect the performance from distortion or any attempt that may cause damage to the reputation and honor of the performer (personal non-property rights); and
3. The right to use the performance in any way, including the right to receive remuneration for each mode of use of a performance (property rights).

The performer's exclusive right of using a performance is to permit or forbid the following actions:

1. To broadcast the performance or to carry out some other public transmission of it if a previously made fixation of the performance is not used for such a transmission or the used performance has not been broadcast before;

2. To fix a performance which was not fixed before;
3. To reproduce a fixed performance;
4. To broadcast a fixed performance if the fixation of it was initially made for non-commercial purposes;
5. To distribute through sale the copies of a performance phonogram or video recording (fixation);
6. To rent out a phonogram (or video recording) that contains the performance with the participation of the performer and is published for commercial purposes.

The performer also has the right to forbid the import of copies of performance fixations made without his permission.

If the copies of performance fixations are alienated by the performer or with his consent, then their further distribution or import is permitted without the consent of the performer and without remuneration, except in cases specified by this law or other laws of the Republic of Armenia.

The right to distribute, in the form of renting out the copies of fixed performances published for commercial purposes, belongs to the performer regardless of the ownership right to those copies of fixed performances.

The right specified in point “c” of the second paragraph of this article is not applied if:

1. The initial fixation of the performance was made with the consent of the performer;
2. The reproduction of the copy of a fixed performance is made with the same purpose for which the performer’s consent was obtained when fixing the performance;
3. The reproduction of the copy of a fixed performance is made with the same purpose for which fixation was made according to article 36 of this law.

The permissions specified by the second paragraph of this article are given by the performer, and in the case of a group of performers, by their appointed representative or the head of the group through concluding a written contract with the user.

The permissions specified in points “a”, “b” and “c” of the second paragraph of this article are not required for further transmission of a performance by a broadcasting organization, for making a fixation for transmission purposes and for reproducing such a fixation, if these permissions are stipulated by the contract between the performer and the broadcasting organization. The amount of remuneration to the performer for such a use is also determined by a contract.

Entering into a contract for the purpose of creating an audiovisual work, between the performer and the creator of an audiovisual work, results in assigning the rights specified in the second paragraph of this article by the performer if the agreement shall not stipulate otherwise.

However, the performer preserves his right to receive remuneration for renting out the copies of such an audiovisual work.

Assigning such rights by the performer is limited to the use of the audiovisual work only, and if the contract shall not stipulate otherwise, assignment of such rights shall not include the right to use separately the sounds or the images fixed in an audiovisual work.

If the performer, while first fixing his performance, permits the producer of the first fixations of performances or audiovisual works to later reproduce the performance, the latter obtains the right of dispose of the copy of the performance, including the right to rent it out, if the agreement shall not stipulate otherwise.

However, the performer preserves his right to receive remuneration for renting out the copies of such a fixation.

The exclusive rights of the performer are transferred to other persons by inheritance or on the basis of a contract. The contract includes the manner and time period of using the performance, the amount of remuneration and the order of payment, time period of effectiveness of the contract, etc.

Personal non-property rights of a performer with respect to the performances implemented by the performer in carrying out his employment responsibilities or assignments of an employer belong to the performer. The exclusive right to use such a performance belongs to the person who is in employment relations with the performer, if the agreement signed between them shall not stipulate otherwise.

Article 34. The Rights of Producers of First Fixations of Performances or Audiovisual Works

Except for cases provided by this law, the producer of the first fixations of performances or audiovisual works enjoys the exclusive right to use in any manner an audio recording (phonogram) or a video recording (fixation) made by him, including the right (property right) to receive remuneration for each mode of using a fixation.

The exclusive right of the producer of the first fixations of performances and audiovisual works to use a fixation is to implement, to permit or to forbid the following actions:

1. To reproduce a fixation directly or indirectly;
2. To modify or to rework in some other manner a fixation;
3. To distribute copies of the fixation, particularly through sale or renting out.

The producer of the first fixations of performances or audiovisual works also has the right to forbid the import of fixation copies of the fixation made without his permission.

If the copies of fixations are alienated by the producer of first fixations of performances or audiovisual works or by his consent, the further distribution and import of those is permitted without the consent of the producer of first fixations of performances or audiovisual works and without paying remuneration, except in cases stipulated by this law or other laws of the Republic of Armenia.

The right to distribute the copies of fixations published for commercial purposes through renting them out belongs to the producer of first fixations of performances or audiovisual works regardless of ownership rights to these copies of fixations. The exclusive rights of the producer of first fixations of performances or audiovisual works can be assigned to other persons by a contract. The contract includes the manner and place of using a phonogram or video recording, the amount of remuneration and manner of payment, time period of effectiveness of the contract and using a phonogram, etc.

Article 35. The Rights of a Broadcasting Organization

Except in cases stipulated by this law, the broadcasting organization enjoys the exclusive right to use its transmission (program), in any mode, including the right to receive remuneration for each mode of use of a transmission (property rights).

The exclusive right of a broadcasting organization to use the transmission is to permit or forbid the following actions:

1. To fix the transmission;
2. To reproduce a fixed transmission, except when the fixation of the transmission has been made by the consent of the broadcasting organization and the reproduction has been implemented with the same purpose for which the fixation was made according to article 36 of this law;
3. To distribute copies of a fixed transmission, particularly by means of sale or renting out;
4. To rebroadcast the transmission;
5. To carry out a public presentation of the transmission in places with paid entrance.

The broadcasting organization also has the right to forbid the import of copies of a fixed transmission made without its permission.

If the copies of a fixed transmission are alienated by the broadcasting organization or by its consent, the further distribution and import of those is permitted without the consent of the

broadcasting organization and without paying remuneration, except in cases stipulated by this law or other laws of the Republic of Armenia.

The right to distribute the copies of program fixations published for commercial purposes through renting them out belongs to the broadcasting organization regardless of ownership rights to these copies of fixations.

Article 36. Limitation of Rights of the Performer, Producer of First Fixations of Performances or Audiovisual Works and the Broadcasting Organization

The use of a performance, a phonogram or a video recording, and a transmission (program) of a broadcasting organization is permitted without remuneration and consent of the performer, the producer of first fixations of performances or audiovisual works and the broadcasting organization after making corresponding modifications in the cases stipulated by articles 13, 14, and 17 of this law (*mutatis mutandis*), applying their provisions to a performance, a phonogram (or video recording) and the transmission of a broadcasting organization, provided that such utilization shall not contradict the natural exploitation of a performance, a phonogram (or video recording) and the transmission of a broadcasting organization, as well as of the works of science, literature and art included in them, and shall not prejudice the legitimate interests of right holders of copyright to the mentioned works and neighboring rights.

Article 37. The Use of a Phonogram or a Video Recording Published for Commercial Purposes

Without the consent of the producer of first fixations of performances or audiovisual works and the performer of a performance fixed on the given phonogram (or video recording), but provided that remuneration is paid, public performance and public transmission (with cable communication or without) of a phonogram (or a video recording) published for commercial purposes is permitted to promote the distribution of fixations and to give the consumer an opportunity of choice.

Should there be no agreed remuneration, the due amount is distributed equally between the producer of first fixations of performances or audiovisual works and the performer.

Article 38. Time Period of Effectiveness of Neighboring Rights

The rights of a performer shall be effective within 50 years from the time of first performance (staging) or first audio and video recording. But if during that period the fixation of the performance is published according to the procedure defined by law, or public legal transmission of that fixation takes place, then the time period of protection of said rights shall terminate during 50 years after the first such publication or first such public transmission, depending on which of them takes place earlier.

The right of the producer of first fixations of performances or audiovisual works is valid within 50 years after performing the first fixation of a phonogram (or a video recording). But if during

that period the phonogram (or video recording) is legally published or legal public transmission of that phonogram (or video recording) takes place, then the time period of protection of said rights shall terminate during 50 years after the first such publication or first such public transmission, depending on which of them takes place earlier.

The right of over-the-air or cable transmission company to broadcast is effective for 50 years from the time of its first broadcasting.

The computation of the time periods defined by this law shall start on January 1 of the year following the legal facts noted in the first, second and third paragraphs of this article.

The rights stipulated by this chapter are by defined procedure passed to the legal successors of the performer, the producer of first fixations of performances or audiovisual works and the broadcasting organization within the limits of the remaining part of the time periods noted in the first, second and third paragraphs of this article.

Chapter 4. Securing of Copyright and Neighboring Rights

Article 39. Establishment of Organizations Securing Property Rights on a Membership Basis

The state authorized body performs the observation and protection of copyright and (or) neighboring rights.

The right holders of copyright or neighboring rights can establish non-commercial organizations for the purpose of observing and protecting their rights.

The right holders of copyright or neighboring rights can assign the observation and protection of their rights to other persons on the basis of a contract.

Article 40. The Organization Administering Observation and Protection of Copyright and Neighboring Rights

Organizations administering observation and protection of copyright and neighboring rights are established on the principles of voluntariness and membership.

To carry out their organizational objectives they can enter into agreements with similar organizations operating in foreign states.

The organizations noted in the first paragraph of this article, within the scope of their authorities, can permit the users to use a work or the object of neighboring rights.

The terms for the users of similar works shall be the same.

The users of a work or an object of neighboring rights are obligated to submit to the organization, at the demand of the latter, all the materials concerning the use (including documents containing precise data necessary for the collection and distribution of the paid amount).

Article 41. Functions of Organizations Securing Property Rights on a Membership Basis

The organizations securing property rights on a membership basis, within the authority given by the right holders of copyright and neighboring rights, carry out the following functions:

1. To enter into license contracts on the use of the object of copyright and neighboring rights, agreeing upon the amount of remuneration and the conditions of use with the parties;
2. To collect, distribute and pay the amount due to the right holders of copyright and neighboring rights;
3. According to defined procedure carry out deductions from the collected amount of money for covering actual expenses related to collecting, distributing and paying it;
4. In case the protected and non –protected objects are used simultaneously, provided it is impossible not to collect the amount for using the non-protected object, transfer that part of the amount to the corresponding creative funds established by them;
5. Use the amount unclaimed by the author or another right holder of copyright during the time period of limitation of actions established by the civil legislation, in the interest of the copyright owners and owners of neighboring rights;
6. To carry out necessary legal actions to implement the objectives of this law;
7. submit a report on the use of objects together with paying the right holders of copyright and neighboring rights the due amount for the used objects.

Chapter 5. Protection of Copyright and Neighboring Rights

Article 42. Infringement of Copyright and Neighboring Rights

Liability is stipulated for the infringement of copyright and neighboring rights, according to the legislation of the Republic of Armenia.

The copies of a phonogram (or video recording), the preparation and distribution of which brings about infringement of copyright and (or) neighboring rights, are considered to be false or imitation (counter fact).

The copy of a work, phonogram (or video recording) protected by this law in the Republic of Armenia, which is imported to the Republic of Armenia without the consent of the copyright and

neighboring right holders, from other countries, where the work, phonogram (or video recording) has never been or is no longer protected, is also considered an imitation copy.

Article 43. The Protection of the Copyright and Neighboring Rights

The copyright holder and (or) the holder of neighboring rights, while protecting his rights, may demand from the violator of the right:

1. Recognition of his rights;
2. Restoration of the situation existing before the violation of rights and termination of the activities violating the rights or containing threat of a violation;
3. The imitation copy, its confiscation or destruction;
4. Compensation of damages (including lost profit), according to the procedure defined by the legislation of the Republic of Armenia;
5. Payments of monetary reimbursement instead of the damage or the lost profit. The amount of the noted monetary reimbursement shall be defined by the court, depending on the nature and the consequences of the violation;
6. Apply other measures defined by the legislation of the Republic of Armenia in connection with the protection of his rights.

The right for selection of the measures stated in points “c”, “d,” and “e” of this Article belongs to the copyright holder and (or) neighboring right holder.

The copyright holder and (or) neighboring right holder may seek protection of his rights by applying to the court, according to the procedures defined by the legislation of the Republic of Armenia.

The copyright holder and (or) neighboring right holder may apply to the court demanding from the violator of rights information about the third persons participating in the production and distribution of the copies of the work, phonogram (or video recording), as well as about the sources of acquiring them and channels of distribution. The violator of rights refusing to provide the mentioned information is liable according to the procedure defined by the legislation of the Republic of Armenia.

The imitation copies of the work, phonogram (or video recording) obtained by third persons lawfully are not confiscated.

The imitation copies of the work, phonogram (or video recording), as well as the materials and equipment used for their creation and reproduction, which are not demanded by the copyright holder or neighboring right holder, may be destroyed by the court decision.

Article 44. The Ways of Securing the Claim on Infringement of Copyright and Neighboring Rights

The court may, in accordance with the procedure defined by the Civil Procedure legislation of the Republic of Armenia, on the basis of the application submitted by the persons participating in the case or at its own initiative, undertake measures to secure the claim by placing a ban on all the supposedly imitated copies of the works and phonograms, as well as on the materials and the equipment designed for their creation and reproduction, to prohibit certain activities.

In case of such an infringement of copyright and neighboring rights, for which criminal liability is stipulated, the court, with the purposes of ensuring the civil claim submitted or to be submitted in future, has the right to attach all the supposedly imitated copies, as well as the materials and the equipment designed for their creation and reproduction, and, if necessary, to confiscate and, if not claimed by the claimant, destroy them.

Chapter 6. Final Provisions

Article 45. Entry into Force of the Law

1. This Law enters into force from the moment of its publication.
2. The terms of validity of copyright and neighboring rights provided in Articles 26 and 38 of this law are applied also after the time period of the entry into force of this law on those works or objects of neighboring rights, with respect to which the validity of the rights have expired according to the previous legislation.
3. To recognize the law of the Republic of Armenia “On Copyright and Neighboring Rights” of 27 May, 1996 law as invalid.

12 January, 2000

Adopted by the National Assembly
8 December, 1999