LAW OF GEORGIA

ON COPYRIGHT AND RELATED RIGHTS

Chapter I - General Provisions

Article 1 - Scope of regulation

This Law shall regulate:

a) relations associated with the property and personal non-property copyright that arise upon creation and use of scientific, literary, and artistic works (copyright);

b) relations associated with copyright related rights of performers, producers of phonograms, and videograms, and broadcasting organisations ('the related rights');

c) relations associated with the rights of database producers.

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Article 2 - International agreements

If the international agreements to which Georgia is a party establish rules other than the ones in this Law, the rules of the international agreement shall prevail.

Article 3 - Scope of the Law

This Law shall apply to:

a) scientific, literary and artistic works, performances, phonograms, videograms and databases the rights to which belong to a citizen of Georgia, a natural person with a permanent residence on the territory of Georgia, and a legal person located on the territory of Georgia;

b) scientific, literary and artistic works, phonograms and videograms, and databases, which were first published on the territory of Georgia; compositions, phonograms and videograms shall also be considered first published in Georgia if they are published on the territory of Georgia within 30 days after they were first published in a foreign country;

c) a performance, first implemented on the territory of Georgia; a performance, recorded on a phonogram or a videogram, which is protected under subparagraph (b) of this article; a performance, which is not recorded on a phonogram or a videogram, but is included in a programme of a broadcasting organisation that is protected under subparagraph (d) of this article;

d) programmes of the Public Broadcaster, the Ajara Television of the Public Broadcaster, and radio programmes, and a programme of another proadcasterthat has received a broadcasting licence or has been granted authorisation under the procedure established by the legislation of Georgia, and transmits programmes through transmitters located in the territory of Georgia, over the air, by cable, or other similar means;e) architectural works, located on the territory of Georgia, artistic works incorporated as an integral part of architectural works located on the territory of Georgia, regardless of the citizenship or permanent residence of their authors;

f) scientific, literary and other artistic works, performances, phonograms, videograms and programmes of broadcasting organisations that are protected in compliance with the international agreements to which Georgia is a party.

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Law of Georgia No 3694 of 12 June 2015 - website, 15.6.2015

Article 4 - Definition of terms used in the Law

The terms used in this Law have the following meanings:

a) Author - a natural person, whose intellectual and creative activity resulted in the creation of a work.

b) Audio-visual work – a work consisting of consecutive images accompanied by sound and/or without it, gives the impression of movement and can be perceived by eyesight and/or hearing. Audio-visual works include cinematographic and other works that are expressed by means analogous to cinematography (television films, video films, film strips, etc.).

c) Audio-visual work maker (producer) - a natural or legal person who initiated and undertook the responsibility for the production of such work. Unless proved otherwise, a natural or legal person, whose name and/or title is duly indicated on the work, shall be deemed as the producer of an audio-visual work.

d) Communication to the public - any action (excluding publication), as a result of which a work, a performance, a phonogram, a video recording, a broadcasting organisation's programme or a database, directly or through technical means, is made available to the public.

e) Publication - putting into civil circulation, with the consent of authors, other holders of copyright or related rights, and producers of databases, copies of works, phonograms, videorgams or databases through sale or rent or through another form of transfer of property or ownership in the amounts that meet the reasonable public demand.

f) Rental - making available an original work or a subject-matter of related rights or their copy for use with the purpose of earning a profit over a specified period of time.

g) Videogram - recording of consecutive images in a tangible form accompanied by sound or without it.

h) Videogram maker (producer) - a natural or legal person who initiated and undertook the responsibility for the production of the first recording of consecutive images with or without sound. Unless proved otherwise, a natural or legal person, whose name and/or title is duly indicated on the videogram and/or its case, shall be deemed as the producer of a videogram.

i) Cable transmission - a sound and/or an image transmission by wire, optical fibre or other similar means of the communication to be received by the public.

i[1]) Cable retransmission - simultaneous, uninterrupted and unabridged retransmission, via cable or a microwave system, of initial broadcast of television and radio programmes intended for the public, by wire or over the air, including by satellite.

j) Computer program - a set of instructions expressed in words, codes, chips or in any other machine-readable form, which enables a computer to achieve certain results. The term also includes preparatory material for a computer program design.

k) Broadcast - transmission of sound and/or image for communication to the public, by wireless communication, including by satellite (satellite - all satellites, operating in accordance with telecommunications rules in the broadcast bandwidth meant for broadcast signals to be provided to the public; satellite transmission - reception of programme carrier signals under the control and responsibility of a broadcasting organisation; programmes intended for the public shall be received as uninterrupted chain of communication – leading to the satellite and down towards the earth); transmission of encoded signals shall be broadcasting, if decoder means are provided to the public by the broadcasting organisation or with its consent.

l) Broadcasting organisation programme - a set of sounds and/or images intended for reception by the public, which is transmitted over the air or by cable.

m) Database - a systematically or methodically based collection of works and/or other data and materials, which is individually accessible by electronic or other means. The term does not imply a computer programme that is used while creating and using a database accessible by electronic means.

n) Reproduction - making of one or more copies of a work, a subject-matter of related rights or a database directly or indirectly, in whole or in part, by any means and in any form, including in the form of sound and video recording. Recording in electronic (including digital), optical or any other machine-readable form for temporary or permanent storage shall also be considered as a reproduction.

n[1]) Temporary copy - an incidental or required temporary copy of a work, performance record, phonogram, videogram, database or broadcasting organisation programme, which is an integral and significant part of the technological process. The only purpose for creating a temporary copy is to ensure the transmission of an object in a network during interim or legitimate use of a work and/or a subject-matter of related rights between (among) third parties, and such a temporary copy shall have no independent economic significance.

o) Reprographic reproduction (copying) - a facsimile reproduction of an original or a copy of a work, data or other material expressed in written or graphic form in any size with the help of photocopying or other technical means. Recording in an electronic (including digital), optical or other machine-readable form shall not be deemed as a reprographic reproduction;

p) public transmission - broadcasting of images and/or sounds of works, performances, phonograms, videograms, databases, broadcasting organisation programmes over the air, by cable or other means (except for distributing copies of works or phonograms) so that the transmission of the image and/or sound may be perceived by individuals who are not family members or family friends at a place(s), which is at such a distance distanced from the place of broadcasting that the images and/or sounds may not be received at the reception place(s) without such broadcasting, including in a way that subject-matters of copyright or related rights and databases may be accessible to any person at a time and from a place of his/her choice;

q) Public performance - presentation of a work, performance, phonogram, videogram, broadcasting organisation programme through declamation, acting, singing, dancing or otherwise, either directly (live performance) or by means of any device in a place(s) where a public performance may be perceived without requiring public transmission, and where the persons who are not family members or family friends are present or may be present. A demonstration of images of an audio-visual work in series shall be considered a public performance of the audio-visual work.

r) Public display - demonstration of an original work or its copy directly or on a screen via a tape, slide, picture frame or any other technical means, where persons who are not family members or family friends are present or may be present. Demonstration of separate individual picture frames shall be considered a public display of an audio-visual work.

s) Technological measure - any technology, device or its component, which, under normal operation, prevents or restricts acts that are not permitted by the owner of the copyright or other rights. Technological measures shall be deemed effective, if the the right holder controlls access to a protected work or other subject in use through the processes (decoding, restriction on copying or any other way), which serve the protection objective.

s[1]) Circumvention of technological measures - using a device or its component and/or other means to neutralise technological measures;

t) Rights management information - any information which identifies a work or other subject-matter protected under this Law, an author or right-holder, and/or any information about the terms and conditions of use of a work or other subject-matter protected under this Law, as well as any numbers or codes which represent such information, where any item of this information is mentioned in a copy of a work or other subject-matter protected under this law or appears during its communication to the public.

u) Phonogram - a fixation of performance of sound, another sound or signal expressing sound. The term does not imply a recording of sound incorporated in an audiovisual work.

v) Phonogram producer - a natural or legal person who initiated and undertook the responsibility for the production of the first sound fixation of a performance or other sounds. Unless proved otherwise, a natural or legal person, whose name and/or title is duly indicated on the phonogram and/or its case, shall be deemed as the producer of the phonogram.

w) Fixation – fixing images and/or sounds in a tangible form that enables perceiving, reproducing and transmitting them using technical devices.

x) Performer - an actor (theatre, cinema, etc.), singer, musician, dancer or another person who acts, reads, sings, declaims, plays a musical instrument or otherwise performs a literary or artistic work, or an item of a pop, circus, puppet or folklore shows.

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Chapter II - Copyright

Article 5 - Subject matter of copyright

1. Copyright applies to scientific, literary and artistic works that are the result of intellectual and creative activities, regardless of their purpose, value, genre, size, form and means of expression.

2. Copyright applies to a work which exists in a tangible form, irrespective of whether it has been published or communicated to the public.

3. Copyright shall not apply to ideas, methods, processes, systems, means, concepts, principles, discoveries and facts, even if they are expressed, described, explained, illustrated or embodied in a work.

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Article 6 - Scientific, literary and artistic works

1. Scientific, literary and artistic works are:

a) literary works (books, brochures, articles, computer programs, etc.);

b) dramatic or musical-dramatic works, choreographic or a pantomime works and other theatrical works;

c) musical compositions with or without words;

d) audiovisual works;

e) sculptural, painting, pictorial, lithographic, fine arts, and other similar works;

f) decorative and applied arts or monumental art works;

g) theatrical-decorative art works;

h) architectural, urban planning or landscape design works;

i) photographic works or works produced by aid of means analogous to photography. Certain images of an audiovisual work shall not be considered a photographic work;

j) maps, plans, sketches, illustrations and other similar works related to geology, geography, cartography or other spheres;

k) revised works, in particular, translations, interlinear translations of artistic works, adaptations, screen versions, reviews, staging, compilations, musical arrangements, and other alterations of scientific, literary and artistic works;

l) composite works, in particular collections, encyclopaedias, anthologies, databases and other works that are the result of intellectual and creative activities according to the selection and arrangement of the material;

m) other works.

2. Copyright on revised and composite works shall be protected regardless of whether or not the works, on which they are based or which they include, are the subject-matters of copyright.

3. Revised and composite works shall be protected as original works.

4. Protection of computer programs shall apply to all kinds of computer programs (including operational systems), which may be expressed in any language and in any form, including the initial text and objective code.

Law of Georgia No 1693 of 10 October 2002 – LHG I, No 28, 28.10.2002, Art. 129

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 7 - Copyright severable from property rights

1. Copyright shall not depend on the right to ownership of a tangible object in which the work is expressed.

2. The transfer of property or ownership of a tangible object shall not result in the transfer of copyright to the work expressed by that tangible object, except as provided in Article 18 of this Law.

Article 8 - Works not covered by copyright

1. Copyright shall not be applicable to the following works:

a) official documents (laws, court decisions, other administrative and normative texts), as well as their official translations;

b) official national symbols (flag, coat of arms, anthem, awards, banknotes, other official national signs and symbols);

c) information on facts and events.

2. If works stated in paragraph 1(b) of this article are used under another name, the author's right may be protected.

Article 9 - Arising of copyrights

1. Copyright in scientific, literary and artistic works shall arise from the moment of their creation. The work shall be considered to be created when it is expressed in a tangible form, which allows its perception and reproduction.

2. For a copyright to arise and be enforced, registering, legalising or otherwise formalisinga work shall not be required.

3. (Deleted).

4. An exclusive right-holder, for ascertaining his/her right, may use a copyright notice, which shall be affixed to each copy of the work, and which shall consist of three elements:

a) the Latin letter C in a circle: ©;

B) the exclusive copyright holder's name (title);

C) the year when the work was first published.

Law of Georgia No 651 of 5 December 2000 – LHG I, No 47, 14.12.2000, Art. 135

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 9^1 - Depositing of works

1. An author or another copyright holder shall have the right to deposit the original or a copy of a work with the National Intellectual Property Centre (Sakpatenti). Unless proved otherwise, a person referred to in a deposit certificate shall be deemed as the author/copyright holder of the work.

2. When depositing the original or a copy of a work with the National Intellectual Property Centre (Sakpatenti), an applicant must observe the copyright or other rights, related to the work submitted, of other persons.

3. An applicant shall be responsible for the accuracy and reliability of documents submitted to the National Intellectual Property Centre (Sakpatenti).

4. If a work is submitted to the National Intellectual Property Centre (Sakpatenti) by an author's heir, successor, or another person who owns the copyrights, the application must be accompanied by a document proving inheritance, succession, or ownership of the copyright.

5. While depositing a work with the National Intellectual Property Centre (Sakpatenti) through a representative, an application must be also accompanied by a document certifying the representation.

6. The information related to a work, deposited with the National Intellectual Property Centre (Sakpatenti) under this article, may become public at the request of its author or another copyright holder.

7. A fee for depositing works, determined by an ordinance of the Government of Georgia, shall have to be paid.

Law of Georgia No 1585 of 3 June 2005 - LHGI, No 31, 27.6.2005, Art. 198

Law of Georgia No 3032 of 4 May 2010 - LHGI, No 27, 24.5.2010, Art. 184

Article 10 - Presumption of authorship

1. A person who is duly identified as the author on the original or a copy of a work, shall be deemed as the author, unless proved otherwise. This provision shall also apply to a work published under a pseudonym, if the author is universally known under this pseudonym.

2. When the work is published pseudonymously (except for the cases when the author is universally known under this pseudonym) or anonymously, a publisher whose name or title is appropriately indicated on the work, shall be considered to be a representative of the author, unless proved otherwise. He/she, as a representative, shall have the right to protect the author's rights and ensure their implementation. This provision shall apply until the author of such work reveals his/her identity.

Article 11 - Co-authorship

1. Copyright in a work created by two or more persons (co-authors) as a result of joint intellectual and creative effort, shall be jointly owned by the co-authors, irrespective of wether the work is an indivisible whole, or consists of parts, each of which has an independent meaning. Communication between the co-authors shall be defined under the contract they have made.

2. None of the co-authors shall have the right to prohibit the use of the work without a substantial reason.

3. A work may be published or be communicated to the public under a joint pseudonym, as agreed by the co-authors.

4. Each co-author shall have the right to use a part of the work created by him/her and has an independent meaning, unless otherwise provided for by an agreement they have made.

5. A part of a co-authored work shall be considered as having independent meaning if it can be used without other parts of the work.

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Article 12 - The rights of authors (compilers) in composite works

1. An author (compiler) of a composite work shall enjoy a copyright in the selection and arrangement of material, which is the result of his/her intellectual and creative effort.

2. A compiler shall protect the copyright of authors of works included in a composite work.

3. Authors of works included in a composite work shall have the right to use their works independently of the composite work, unless otherwise provided for by the copyright agreeement.

4. A compiler's copyright shall not prevent other persons from performing selection and arrangement of the same material to create their composite works.

Article 13 - Author's rights in derivative works

1. An author of a derivative work possesses a copyright in the adaptation implemented by him/her.

2. An author of a derivative work must protect the copyright of the author of the work.

3. Copyright of the author of a derivative work shall not prevent other persons from adapting the same work.

Article 14 - Exclusive right of a publisher

1. Publishers of encyclopaedias, encyclopaedic dictionaries, scientific papers, periodicals and serial collections, newspapers, magazines and other periodicals shall own the exclusive right to use the works included in those editions. A publisher shall have the right to indicate his/her name or to request its indication while using such works in any form. Using a work published in a newspaper, magazine or another periodical, by another person, without the permission of the publisher of that newspaper, magazine or periodical or the author of such work, shall be inadmissible, except as provided in this Law. In the case of use of any exclusive material, published in a press or other mass media source, by other mass media source, the mass media source where the material was first published must be acknowledged.

2. Authors of works included in publications under the paragraph 1 of this article, shall retain the exclusive right to use their works, if not otherwise provided for by a copyright agreement.

Law of Georgia No 2388 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 223

Article 15 - Copyrights in audiovisual works

1. Authors (co-authors) of an audiovisual works shall be: the director, the scriptwriter, the author of dialogues, the author of musical composition with or without words, created specifically for the audiovisual work.

2. Concluding an agreement to create an audiovisual work shall lead to transfer by authors (co-authors) of the exclusive right to use this work to the producer of the audiovisual work, unless otherwise provided in the agreement. The authors (co-authors) of this work shall retain the right to receive royalties from the user (a broadcasting organisation, a cinema, etc.) for the use of the work in any form, and any other agreement between the producer and the authors of the audiovisual work shall be void. This right shall be exercised only through a property rights collective management organisation, except where the user has paid the royalty directly to the author (co-authors), and the obligation to submit documentation evidencing the above to a collective management organisation shall be imposed upon the user.

3. A producer of an audiovisual work shall have the right to indicate his/her name or request its indication, while using this work in any form.

4. An author of a previously created work that has been adapted or incorporated in an audiovisual work, as well as an author of a work that has been designed in the process of creating an audiovisual work, shall retain the copyright in their works having an independent importance. They shall have the right to use the work independently, unless otherwise provided in the agreement, provided that such use does not interfere with the normal use of the audiovisual work.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 16 - Copyright in a work for hire

1. Copyright in a work created by an employee or recipient of a work order, which is connected with performing official duties or executing the order (a work for hire), shall belong to the employer or the client, unless otherwise provided in an agreement.

2. (Deleted)

3. (Deleted)

4. (Deleted)

5. (Deleted)

6. An employer shall have the right to indicate his/her identity (title) or request its indication while using a work for hire in any form.

7. The amount and payment terms for an author's remuneration (royalties) while using a work for hire may be defined under an agreement concluded between the author and the employer.

8. (Deleted)

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Law of Georgia No 3032 of 4 May 2010 – LHG I, No 27, 24.5.2010, Art. 184

Article 17 - Personal non-property rights of an author of a work

1. Personal non-property rights of an author are:

a) to be recognised as the author of a work and to request such recognition for each copy of the work and/or while using it in any form, in an appropriate manner, including the right to request indication of the author's name (authorship);

b) to indicate a pseudonym instead of his/her name and to request such indication on each copy of the work and/or while using it in any form, in an appropriate manner, also to refuse to be named (right to a name) as well;

c) to decide when, where and in what manner to disclose the fact of having created the work;

d) to permit other persons to make changes in the work, in its name (title) and the author's name, as well as to oppose making changes in the work without the author's consent (right of integrity);

e) to protect the work from any distortion or violation in any other way, which may be prejudicial to the author's honour, dignity or business reputation (right to honour and reputation);

f) to permit other persons to attach the works of other authors to the work (illustrations, forewords, afterwords, comments, definitions, etc.);

g) to request the termination of use (the right to revocation of a work). In this case, the author shall be obliged to publicly announce the revocation. The right to revocation of a work shall not apply to a work for hire.

2. The right under paragraph 1(g) of this article shall be exercised at the author's expense. An author must compensate the inflicted losses to the user of a work, including lost profits. An author also shall have the right to withdraw from civil circulation at his/her own expense copies of a work produced previously with the purpose of sale or rent, or other forms of transfer of ownership or possession.

3. Personal non-property rights shall belong to the author independently of his/her property rights, and he/she shall retain them even in the case of renouncing the latter.

4. Alienating personal non-property rights *inter-vivos* of the author shall be inadmissible. Such rights shall be exercised after the author's death under the procedure provided in this Law.

Article 18 - Property rights of an author

1. An author or another copyright holder shall have an exclusive right to use the work in any form.

2. An exclusive right to use a work shall imply the right to perform, permit, or prohibit:

a) reproduction of the work (the right of reproduction);

b) distribution of the original or copies of the work by sale or other forms of transfer of ownership (the right to distribute);

c) import of copies of the work for the purpose of sale or rental, or other forms of transfer of ownership or posession, including copies made with the consent of the author or another copyright holder (the right to import);

d) public display of the work (the right of public display); this right shall not be applicable if the public display is the result of legal purchase of the work put into civil circulation;

e) public performance of the work (the right of public performance);

f) public transmission of the work, including transmission and/or re-transmission; as well as transmission by wire or wireless communication in such a way that it is accessible to any person at a time and from a place of his/her choice (the right of public transmission);

g) translation of the work (the right of translation);

h) adaptation of the work (the right of adaptation);

i) rent and/or another form of transfer of ownership of the original or a copy of the work;

j) other use of the work.

3. An author or another exclusive copyright owner shall have the right to receive royalties for the use of his/her work in any form (the right to royalty).

4. The first sale of a copy of a work by its author or with his/her consent in Georgia shall exhaust the author's right to its further distribution in Georgia.

5. Authors or another copyright holders of musical works expressed in notes, audiovisual works, computer programs, databases, works recorded on phonograms or videograms shall have the exclusive right to rent and otherwise transfer the ownership of the original or copies of the above works, irrespective of the property right on the original or copies of such works.

6. The exclusive right to use architectural, urban planning and landscape design projects shall include the right to implement such projects.

7. The amount of the royalties, the procedure for its calculation and payment for use of a work in any form shall be established under an agreement concluded between the author, another copyright owner or a collective management organisation on the one hand, and the user, on the other hand. In the case of cable re-transmission of a work, the amount of the royalties, the procedure for its calculation and payment shall be established only by an agreement concluded between the organisation and the user. If this organisation and the user fail to reach an agreement, the amount of royalties, the procedure for its calculation and payment shall be determined by the National Intellectual Property Centre (Sakpatenti), on the basis of an application of a party or parties. The decision of the National Intellectual Property Centre (Sakpatenti) may be appealed to a court within two months after the decision has been adopted.

8. A person who, after the expiration of the copyright term makes a work, which has not been previously published or communicated to the public, available to the public for the first time by way of publication or communication to the public, shall enjoy property rights in this work provided for in the paragraph 2 of this article.

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Article 19 - Property rights in computer programs and databases

1. The author of a computer program shall enjoy, along with the rights defined in Article 18 of this Law, the exclusive right to perform, permit or prohibit:

a) reproduction of a computer program by any means and in any form, in whole or in part; if such reproduction is required for downloading, displaying, running, transmitting or storing a computer program, an author's consent shall be necessary;

b) transfer of a computer program from one program language to another, its adaptation, systematisation or any other alteration, and reproduction of the findings through protecting the rights of the person altering the computer program;

c) (Deleted)

2. The author of a database shall enjoy, along with the rights defined in Article 18 of this Law, the exclusive right to perform, permit or prohibit:

a) temporary or permanent reproduction of a database by any means and in any form, in whole or in part;

b) translation, adaptation, systematisation and any other alteration of a database, and reproduction, distribution, communication to the public, display or

performance of the results obtained;

c) (Deleted).

d) any communication, display or performance to the public, including dialogical, live transmission.

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Article 20 - Copyrights in works of fine art

1. The author of a work of fine art shall have the right to request that the owner of the work give him/her the opportunity to perform the reproduction of his/her work (the right of access). At the same time, the owner shall not be required to deliver the work to the author.

2. After the first alienation of an orginal work of fine art or an original photographic work, in the case of each subsequent sale, including through professional intermediaries (art salon, art gallery, etc.), the author or his/her heirs shall be entitled to receive royalties from the seller in the following amounts:

a) if the sale price is from GEL 500 up to GEL 100 000 - 4%;

b) if the sale price is from GEL 100 000.01 up to GEL 400 000 - GEL 4000 + above GEL 100 000.01 - 3% of the sum;

c) if the sale price is from GEL 400 000.01 up to GEL 700 000 - GEL 13 000 + above GEL 400 000.01 – 1% of the sum;

d) if the sale price is from GEL 700 000.01 up to GEL 1 000 000 - GEL 16 000 + above GEL 700 000.01 - 0.5 % of the sum;

e) if the sale price is more than GEL 1 000 000 - GEL 17 500 + above GEL 1 000 000 - 0.25 % of the sum.

3. Royalties set forth under paragraph 2 of this article may be collected through a collective management organisation, at whose request a seller of a work of fine art or a photographic work shall be obliged to submit sales information to the organisation. Royalties set forth under paragraph 2 of this article (without taxes) shall not exceed GEL 25 000.

4. For the purposes of this article, a limited number of copies of an original work of fine art and of a photographic work made by its author or with his/her consent shall be equated to original work of fine art and original photographic work provided for in paragraph 2 of this article.

5. Alienation of the right provided in paragraph 2 of this article shall be prohibited, which is transferred only to the author's heir by law or will by testamentary succession for the term of the copyright.

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Chapter III - Restrictions on Property Rights

Article 21 - Reproduction of works by natural persons for personal use

1. A natural person may reproduce a work available to the public by lawful publication or communication to the public only for personal use without the consent of the author or another copyright holder and without paying him/her royalties, with the exception of cases provided in paragraphs 2 and 3 of this article.

2. Paragraph 1 of this article shall not apply to:

a) reproduction of architectural works in the form of buildings;

b) reproduction of electronic databases, except for cases provided in Articles 28 and 30 of this Law;

c) reproduction of computer programs, except for cases provided in Articles 28 and 29 of this Law;

d) reprographic reproduction of books (in full), sheet music and works of fine art;

e) reproduction of audiovisual works, works recorded on phonograms or videograms.

3. When an audiovisual work or a work recorded on a phonogram is being reproduced by a natural person for personal use, an author or another copyright holder shall, in contrast to the procedure provided in paragraph 1 of this article, have the right to receive respective royalties.

4. Royalties shall be paid by producers and importers of equipment (audio and video recorders and other equipment) and material carriers (phono and video tapes, cassettes, laser disks, compact disks and other material carriers) used for reproducing works for personal use.

5. Royalties shall be collected and distributed by one of the organisations that collectively manage the property rights of authors, performers and phonogram producers, in compliance with an agreement between (among) the organisations. Unless otherwise provided in the agreement, the royalties shall be distributed as follows: 40% - to authors, 30% - to performers, and 30% - to phonogram producers. The above organisations shall have the right to request information on the production and importation of equipment and material carriers referred to in paragraph 4 of this article from natural and legal persons, including state organisations and institutions.

6. The amount of royalties and the procedure for payment shall be determined in an agreement with the producers and importers on the one part, and an organisation collectively managing the property rights of authors, performers and phonogram producers, on the other part. If the parties fail to reach an agreement, the National Intellectual Property Centre (Sakpatenti) shall, on the basis of an application of a party or the parties, determine the amount of royalties, and the procedure of its calculation and payment. The decision of the National Intellectual Property Centre (Sakpatenti) may be appealed to a court within two months after the decision has been adopted.

7. Royalties shall be distributed between authors and other copyright or related rights holders, specified in paragraphs 3 and 5 of this article.

8. Royalties shall not have to be paid for the equipment and material carriers provided in paragraph 4 of this article that are:

a) subject of export;

b) professional equipment, not intended for domestic use.

9. Royalties shall not have to be paid for such equipment and material carriers if imported by natural persons for personal purposes, as well.

10. The right of reproduction of copyrighted works provided for by this Law shall not apply to a temporary copy.

Law of Georgia No 651 of 5 December 2000 – LHG I, No 47, 14.12.2000, Art. 135

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 22 - Reprographic reproduction of works by libraries, archives and educational institutions

Reprographic reproduction without receiving direct or indirect profit shall be permitted without the author's or another copyright holder's and without paying him/her royalties, but with compulsory acknowledgement of the author and the source, and in certain cases - to the specified extent.

Such reprographic reproduction shall be permitted:

a) in a single copy to replace destroyed, lost or unusable copies of lawfully published works, by libraries and archives; to replace lost, destroyed, or unusable copies from other libraries' funds for the purpose of transferring them to the above libraries, if such copies cannot be obtained in any other way under ordinary conditions;

b) in a single copy of lawfully published individual articles and other small works or small excerpts from written works (other than computer programs), by libraries and archives, at the request of natural persons, for educational, scientific or personal purposes;

c) for lawfully published individual articles and other small works or excerpts from written works (other than computer programs), by educational institutions for teaching purposes.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 23 - Use of works without the author's consent and without paying him/her royalties

The following shall be permitted without the consent of the author or another copyright holder and without paying him/her royalties, but with compulsory acknowledgement of the author and the source:

a) quoting works available to the public by way of lawful publication or communication to the public for scientific, research, polemic, critical or information purposes, only to the extent justified by the quotation purpose, including reproduction of excerpts from newspapers and magazines for a printed survey;

b) using excerpts from works available to the public by way of lawful publication or communication to the public in the form of illustrations, in publications, in radio and TV programmes, in instructional phono- and video recordings, only to the extent determined by the set purpose;

c) reproducing articles or publicly transmitted works of similar content available to the public by way of lawful publication or communication to the public on current economic, political, social and religious issues through periodicals or public transmission only where such reproduction or communication to the public has not been specially prohibited by the author or another copyright holder; In addition, the author shall retain the right to publish such work in a collection;

d) reproducing or making available to the public works seen or heard in the process of reviewing current events by way of taking photos, broadcasting over the air or by cable only to the extent justified by the information purpose;

e) reproducing publicly delivered political speeches, reports, lectures, addresses, sermons and other similar works, including speeches made at trials, by means of newspapers, magazines and other periodicals or communication to the public, only to the extent justified by the information purpose; at the same time, the author shall retain the exclusive right to publish such works as a separate collection or a book;

f) reproducing lawfully published works, created using relief raised dots printing, or other special means for the blind, for non-profit purposes, except for works specially created for such means of use.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 24 - Use of works permanently located in areas open for free attendance

Reproduction or communication to the public of architectural, photographic works and works of fine art permanently located in areas open for free attendance shall be permitted without the consent of the author or another copyright owner and without paying him/her royalties, except where the image of such work is the main object of such reproduction or public transmission, or is used for profit-making purposes.

Article 25 - Public performance of musical works during ceremonies

Public performance of musical works available to the public by way of lawful publication or communication to the public during official, mourning and religious ceremonies without author's or another copyright holder's consent and without paying him/her royalties, only to the extent justified by the nature of such a ceremony.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 26 - Reproduction of works for court proceedings

Reproduction of works without author's or another copyright holder's consent and without paying him/her royalties shall be permitted for court proceedings, only to the extent specified by the purpose.

Article 27 - Short-term recording of a work by a broadcasting organisation

A broadcasting organisation shall be entitled to fixate, without author's or another copyright holder's consent and without paying him/her additional royalties, for short-term use a work, for which this organisation has obtained the right to broadcast, provided that the following conditions are met:

a) producing fixations on its own equipment for its own programme;

b) destroying fixations within six months after their production, unless a longer period has been agreed with the author of the fixated work; only fixations of a documentary character may be stored in the official archives without the author's consent.

Article 28 - Limitations to the rights of computer program and database owners

1. A person who lawfully possesses a copy of a computer program or a database shall be entitled, without the authors or another copyright holder's consent and without paying him/her royalties, to:

a) enter changes into the computer program or database that are necessary for functioning of the technical facilities of a user, as well as implement any action connected with functioning of a computer program or a database, including fixating and storing in a computer memory (for one computer or one network user), correction of obvious errors, unless otherwise provided in the copyright agreement;

b) make a backup copy of a computer program or a database, provided that it is intended for archival purposes only and for replacing a lost, destroyed or useless copy of a lawful owner.

2. A back-up copy of a computer program or a database may not be used for purposes other than those stipulated in the rules under paragraph 1 of this article, and must be destroyed upon the termination of the ownership right in a computer program or a database.

Article 29 - Free use of a computer program (decompilation)

A person lawfully possessing a copy of a computer program, shall be entitled, to perform, without the author's or another copyright holder's consent and without paying him/her royalties, the computer program decompilation (reproduce and transform the objective code in the source text), as well as to entrust decompilation to other persons in the case where it is necessary to achieve interoperability between (among) a computer program, independently created by him/her and other computer programmes, provided that the following conditions are met:

a) These actions are performed by a person who has the right to use a copy of the program, or another person holding an appropriate permit on his/her behalf.

b) The information from other sources, necessary to achieve interoperability of computer programs, had not previously been available to him/her.

c) These actions shall regard the parts of a decompiled computer program, which are necessary to achieve computer programs interoperability.

d) Information obtained as a result of decompilation shall be used only to achieve interoperability between (among) an independently created computer program and other computer programmes. This information may not be transferred to other persons or be used for designing a new computer program, which is substantially similar to the decompiled program, or for any other action which infringes copyright.

Article 30 - Free use of a database

A lawful user of a copy or the original of a database may, without the author's or another copyright holder's consent, implement actions defined in Article 19 of this Law, where it is necessary for the access and normal use of the database. Where the lawful user is authorised to use a part of a database,

the above right shall apply only to that part.

Chapter IV - Copyright Term

Article 31 – Arising and duration of copyright

1. Copyright shall arise upon the creation of a work and shall be effective during the author's lifetime and within 70 years after his/her death, except for cases provided in Article 32 of this Law.

2. Copyright terms provided in this article and Article 32 of this Law shall be counted starting from 1 January of the year following the year when the legal fact that was the basis for starting counting the mentioned term occurred.

Article 32 - Copyright terms

1. Copyright in a work that has been published or communicated to the public pseudonymously or anonymously, shall be valid for 70 years from the date of legitimate occurrence of this fact. If the author discloses his/her identity or his/her identity does not give rise to doubts during this term, Article 31 of this Law shall apply.

2. Copyright in a co-authored work shall be valid during the lifetime of each co-author and for 70 years after the death of the last surviving author.

3. If a work is published or communicated to the public by volumes, parts, issues or episodes, and the copyright term is calculated from the date of the lawful occurrence of the fact, the term shall be calculated individually for each such work.

4. Copyright in works under Articles 12 and 13 of this Law shall be valid for 70 years from the date when they were lawfully published or communicated to the public, and if the work has not been published or communicated to the public - from the date of its making.

5. Copyright in an audiovisual work shall be valid for 70 years from the death of the last surviving author (co-author) of those mentioned in Article 15(1) of this Law.

6. Property copyright of a person who lawfully published or communicated to the public a work that has not been previously published or communicated to the public (in accordance with Article 18(8) of this Law), shall be valid for 25 years from the date of occurrence of such a fact.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 33 - Perpetual author's rights

1. Work-related right of authorship, right of attribution, right to the integrity of the work, and right to honour and reputation shall be protected in perpetuity.

2. After the expiry of copyright term, it shall be inadmissible to use the title of a work by another author in the same genre, if such use may lead to confusion of authors that may mislead the public.

3. It shall be prohibited to publish or communicate to the public a work under such a pseudonym that may lead to identification with the author of a work that had been previously made available to the public through its publication or communication to the public, and may mislead the public.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 34 - Use of expired copyrights

1. A work whose copyright term has expired may be used by any person without paying royalties. At the same time, right of authorship, right of attribution, right to the integrity of the work, and right to honour and reputation shall be protected. This rule shall also apply to works that have not been protected in Georgia.

2. Special fees may be established by the legislation of Georgia for the use of a work in the territory of Georgia, whose copyright term has expired. Income from such fees shall be given to authors' professional funds and authors' property rights collective management organisations. The mount of fees shall not exceed three percent of the income received as a result of using the work.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Chapter V - Copyright Transfer

Article 35 - Grounds for copyright transfer

1. Copyright shall be transferrable by law or testamentary succession, or under a contract.

2. Exclusive rights to use a work, defined in Article 18 of this Law, shall be transferred to legal successors during the copyright term, unless otherwise provided in a testamentary document.

3. Right of authorship, right of attribution, and right to the integrity of the workshall not be inherited. Heirs shall be entitled to protect the above personal rights. Their entitlement to do so shall not be limited by time.

4. Unless otherwise defined by the author during his/her lifetime, the personal right to permit other persons to attach other authors' works (illustration, forewords, afterword, commentaries, definitions etc.) to the work shall be inherited. The above right shall be inherited by heirs for the duration of the copyright term.

5. An author shall have the right to designate a person who he/she assigns to protect the rights referred to in paragraph 3 of this article. This person shall perform his/her duties until the author's death.

6. If there are no heirs, or the heirs do not properly exercise the rights under paragraph 3 of this Article, the National Intellectual Property Centre (Sakpatenti) shall protect the rights.

Law of Georgia No 651 of 5 December 2000 – LHG I, No 47, 14.12.2000, Art. 135

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 36 – Transfer of author's property rights

An author or another copyright holder may transfer all or part of the property rights to a successor.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 37 - Exclusive licence

1. Under an exclusive licence agreement, an author or another copyright holder shall grant only to a licensee the exclusive right to use the work in the form and to the extent determined in the contract, and shall empower him/her to prohibit such use of the work by other persons (including the author).

2. The right to prohibit the use of a work by other persons may be exercised by the author if the licensee fails to protect this right.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 38 - Conventional licence

1. Under a conventional licence agreement, an author or another copyright holder shall grant to a licensee the right to use the work on an equal basis with persons who have received the right to use this work in a similar manner.

2. A right transferred under a copyright agreement shall be deemed to be a conventional right, unless otherwise provided in the agreement.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 39 - Using a work after having granted an exclusive licence

Even in the case of having granted an exclusive licence the author shall retain the right to use the work only when publishing a full collection of his/her works, if five years have passed from the date when, as a result of granting an exclusive licence, the work was made available to the public by way of publishing or communication to the public. At the same time, the author shall not have the right to use such work independently from the full collection.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 40 - Licence agreement

1. A license agreement must provide for: an exact description of the work to be used (title, size, genre), the specific form of the use of the work, the validity of the term and the territory covered by the agreement, the procedure for determining the amount of royalties or the amount of royalties for each form of use of the work, the procedure and time of payment of royalties, as well as other conditions deemed essential by the parties.

2. The right to use the work in any form not expressly set forth in a licence agreement shall belong to the author or another copyright holder.

3. If a licence agreement does not provide for the use of a specific form of a work, the contract shall be deemed to have been concluded on such use of the work as may be considered necessary for accomplishment of the purpose of the parties for which they concluded the agreement.

4. If a licence agreement does not provide for the term of the agreement, the author or another copyright owner may cancel it in three years after it has

been concluded. A licensee shall be notified about this in writing six months before cancelling the agreement.

5. If a licence agreement does not provide for the territory covered by the agreement, it shall be valid only in the territory of Georgia.

6. The rights granted under a licence agreement may be fully or partially transferred to other persons, if it is expressly provided in the agreement.

7. If the royalties for the reproduction of a work are determined by a fixed amount under a licence agreement, the licence agreement must determine the maximum circulation of the work.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 41 - (Deleted)

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 42 - Form of agreement

A copyright transfer agreement, an agreement on the creation of a work and a licence agreement shall be concluded in writing. A licence agreement for the use of a work in a periodical publication may be concluded verbally as well.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 43 - An agreement for the creation of a work

1. According to an agreement for the creation of a work, an author shall undertake to create the work in accordance with the terms of the agreement and deliver it to the client, while the client shall undertake to receive the work and pay royalties to the author.

2. An author shall be obliged to create a work in person, unless otherwise provided in the agreement. Involvement of other person(s) in the creation of a work may be permitted only with the consent of the client.

3. A client shall be obliged to review a work by the date provided in the agreement and notify the author in writing of approval of the work, or of the rejection of or the necessity of making necessary corrections to the work, based on the conditions contained in the agreement.

4. If the author has not been notified in writing within the period determined by the agreement, the work shall be deemed approved by the client.

5. The procedure for advance payment, and terms and amount of royalties for an author shall be determined by an agreement.

6. A provision of an agreement that limits the right of the author to create a work on a certain topic or in a certain field shall be void.

7. Transfer of the right in a work that can be created by the author in the future may not be a subject-matter of an agreement.

8. Copyright in a commissioned work shall belong to a client, unless otherwise provided in the agreement.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Law of Georgia No 3032 of 4 May 2010 – LHG I, No 27, 24.5.2010, Art. 184

Article 44 - Liability for reimbursement of damages

A party, which has not performed or improperly performed the obligations to transfer property rights to an author, to create a work or an obligation under a licence agreement, must reimburse the other party for inflicted damages, including lost income.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Chapter VI - Related Rights

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 45 - Related rights

1. Protection of copyright related rights under this chapter shall not prejudice the protection of copyright.

2. Related rights shall be exercised by way of respecting the copyright. None of the provisions of this chapter shall be interpreted as infringing copyright protection.

Article 46 – Subjects of related rights

1. Subjects of related rights shall be: performers, producers of phonograms and videograms, and broadcasting organisations.

2. Producers of phonograms or videograms and broadcasting organisations shall exercise the rights provided in this chapter within the authority assigned under an agreement concluded with authors of works, fixated in phonograns or videograms, or broadcasted over the air or by cable, and performers.

3. A performer shall exercise the rights under this chapter under the condition of protection of the rights of the author of the performed work.

4. Commencement and exercising of related rights shall not be subject to observance of any formality. To claim his/her right, a phonogram producer or performer may affix to each copy of a phonogram and/or its case a sign of related rights protection, which consists of three elements:

a) the Latin letter P in a circle: ;

b) the name (title) of the holder of an exclusive related right;

c) the year of the first publication of the phonogram.

Article 47 - Performer's rights

1. A performer shall have the following personal and property rights in his/her performance:

a) the right to a name;

b) the right to protect the performance from any distortion or violation in any other way, which may be prejudicial to the performer’s honour, dignity or business reputation (the right to honour and reputation);

c) the right to use the performance in any way, including the right to receive royalties for each form of use of the performance.

2. An exclusive right to use the performance shall imply the right to permit or prohibit:

a) fixation of a performance that has not been fixated before;

b) direct or indirect reproduction of the performance fixated in a phonogram;

c) broadcast over the air or by cable, except for the cases where a previously recorded or broadcast performance is broadcast with the performer's consent;

d) broadcast of a performance record over the air or by cable, if the performance was not initially recorded for commercial purposes;

e) rent or another form of transfer of ownership of the original or copies of a performance fixatd in phonograms;

f) distribution of the original or copies of a performance fixated in phonograms by way of sale or another form of transfer of ownership;

g) broadcast of a performance fixated in phonograms by wire or wireless means in such a way that it may be accessible to any person at a time and from a place of his/her choice.

3. A permit under paragraph 2 of this article shall be issued by the performer, and the permission for a group performance of performers - by the leader of such group on the basis of a written agreement concluded with the user.

4. Concluding an agreement between a performer and a broadcasting organisation concerning the broadcast over the air or by cable of a performance leads to transfer of the right to record the performance, transmit it further and reproduce the recording by the performer only in the case where it is expressly provided in the contract. In the case of such use, the amount of the royalties payable shall be determined under such agreement.

5. Concluding an agreement between a performer and a producer of an audiovisual work concerning the creation of an audiovisual work leads to the transfer of the rights provided in paragraph 2 of this article by the performer, unless otherwise provided by the agreement. Transfer of such rights by a performer shall be limited to the use of audiovisual works, and if not otherwise provided in the agreement, does not imply the right to separately use sounds and images fixated in audiovisual works.

6. The first sale of copies of phonograms by a performer or sale with his/her consent in Georgia shall exhaust the performer's right to its further distribution in Georgia.

7. A performer shall have the right of attribution in a performance that has been created by him/her in the course of employment or as assigned by the employer (work for hire). A person who is in labour relations with the performer shall have an exclusive right to use such performance, unless otherwise provided in the agreement concluded between them.

8. A performer's exclusive rights, provided in paragraph 2 of this article, may be transferred to another person under the agreement.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Law of Georgia No 3032 of 4 May 2010 – LHG I, No 27, 24.5.2010, Art. 184

Article 48 - Exclusive rights of a phonogram producer

1. A phonogram producer shall have an exclusive right to use a phonogram in any form, including the right to receive royalties for each form of use of the phonogram.

2. An exclusive right to use a phonogram shall imply the right to carry out, permit or prohibit:

a) direct or indirect reproduction of a phonogram;

b) (Deleted).

c) rent or other forms of transfer of ownership of the original or copies of a phonogram;

d) public distribution of the original or copies of a phonogram by way of sale or another form of transfer of ownership;

e) import of copies of a phonogram by sale or rent or another form of transfer of possession or ownership, including the copies that have been produced with the consent of the phonogram producer;

f) transmission of a phonogram by wire or wireless means in such a way that it may be accessible to any person at a time and from the place of his/her choice.

3. A phonogram producer's exclusive rights provided in paragraph 2 of this article may be transferred to another person under an agreement.

4. The first sale of copies of a phonogram by its producer or sale with his/her consent in Georgia shall exhaust the phonogram producer's right to its further distribution in Georgia.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 49 - Exclusive rights of a videogram producer

1. A videogram producer shall have an exclusive right to use a videogram in any form, including the right to receive royalties for each form of use of the videogram.

2. An exclusive right to use a viodegram shall imply the right to permit or prohibit:

a) direct or indirect reproduction of a videogram;

b) (Deleted).

c) rent or another form of transfer of ownership of the original or copies of a videogram;

d) public distribution of the original or copies of a videogram by way of sale or another form of transfer of ownership;

e) import of copies of a videogram for the purpose of sale or rent or another form of transfer of possesson or ownership, including copies that have been produced with the consent of the videogram producer;

f) transmission of a videogram by wire or wireless means in such a way that it may be accessible to any person at a time and from the place of his/her choice.

3. A videogram producer's exclusive rights provided in paragraph 2 of this article may be transferred to another person under an agreement.

4. The first sale of copies of a videogram by its producer or sale with his/her consent in Georgia shall exhaust the videogram producer's right to its further distribution in Georgia.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 50 - Exclusive rights of broadcasting organisations

1. A broadcasting organisation shall have an exclusive right to use its broadcast in any form, including the right to receive compensation for each form of use of the broadcast.

2. An exclusive right to use a broadcast shall imply the right to permit or prohibit:

a) fixation of a broadcast;

b) reproduction of the fixation of a broadcast, except for the case where the broadcast has been fixated with the consent of the broadcasting organisation and the reproduction is made for the same purpose for which it was fixated;

c) simultaneous broadcasting over the air and retransmission by cable of a broadcast by an on-air broadcasting organisation and another cable broadcasting organisation respectively;

d) broadcasting of a broadcast over the air or by cable;

e) public transmission of a broadcast in places where an entry fee is charged.

d) public distribution of a fixation of a broadcast by way of sale or another form of transfer of ownership;

g) rent or another form of transfer of ownership of a fixation of a broadcast;

f) transmission of a fixation of a broadcast by wire or wireless means in such a way that it may be accessible to any person at a time and from a place of his/her choice.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 51 - Free use of subject-matters of related rights

1. The limitations on related rights under this Law shall not conflict with a normal exploitation of a performance, a phonogram, a videogram, a broadcast of a broadcasting organisation, and shall not unreasonably prejudice the legitimate interests of performers, phonogram and videogram producers, and broadcasting organisations.

2. The use of a performance, a phonogram, a videogram, a broadcast of a broadcasting organisation and their fixations without the consent of the performer, phonogram and videogram producer, and the broadcasting organisation and without paying them royalties shall be admissible in the following cases:

a) while quoting from a performance, a phonogram, a videogram, a broadcast of a broadcasting organisation for scientific, research, polemic, critical and information purposes - only to the extent justified by the quotation purpose;

b) while using of excerpts from a performance, a phonogram, a videogram, a broadcast of a broadcasting organisation in the form of illustration for teaching or scientific research - only to the extent determined by the set purpose;

c) while using excerpts from a performance, a phonogram, a videgram, a broadcast of a broadcasting organisation in reviewing current events.

3. It shall be permissible for natural persons to use a performance, a broadcast of a broadcasting organisation and their fixations, as well as to reproduce a phonogram and a videogram for personal use, without the consent of the performer, the broadcasting organisation, the phonogram and videogram producer. Such reproduction shall be carried out in accordance with the procedure provided in Article 21 of this Law under the condition of paying royalties.

4. The right of reproduction provided in this Law shall not apply to a temporary copy of the subject matter protected by related rights.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 52 - Use of a phonogram published for the purposes of profit-making

1. The following shall be permissible without the consent of a producer of a phonogram published for the purposes of profit-making and of a performer of a work fixateded in such a phonogram, but by paying the royalties:

a) public performance of a phonogram;

b) transmission of a phonogram over the air or by cable, or retransmission by cable.

2. Royalties provided in paragraph 1 of this article shall be collected and distributed by one of the organisations that collectively manage the rights of performers and phonogram producers, in accordance with an agreement between (among) the organisations.

3. The amount of royalties and the procedure for payment shall be determined by an agreement between the phonogram users on the one part, and one of those organisations that collectively manage the rights of phonogram producers and performers on the other part. If the parties fail to reach an agreement, the National Intellectual Property Centre (Sakpatenti) shall, on the basis of an application of a party or the parties, determine the amount of royalties, and the procedure of its calculation and payment.

4. Users of a phonograms shall submit to the organisations mentioned in paragraph 2 of this article the programmes (plans), containing precise information on the number of phonogram uses, as well as other information and documents necessary for the collection and distribution of royalties.

5. For the purposes of this article, a phonogram that became available for any person by wire or by wireless means of communication at a time and from a place of his/her choice shall be deemed as published for the purposes of profit making.

Law of Georgia No 651 of 5 December 2000 – LHG I, No 47, 14.12.2000, Art. 135

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198.

Article 53 – Fixating a performance or a broadcast by an on-air broadcasting organisation for a short-term use

An on-air broadcasting organisation shall have the right, without the consent of the performer, the phonogram or videogram producer and the broadcasting organisation, to record a performance or a broadcast for a short-term use, and to reproduce such recording, under the following conditions:

a) obtaining a prior consent to transmission of such a performance or a broadcast;

b) making a short-term fixation and its reproduction with its own equipment for its own broadcast;

c) destructing a short-term fixation under the condition envisaged for short-term fixations of scientific, literary and artistic works.

Chapter VII - Rights of a Database Producer

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 54 - A database producer

1. A database (which is not a work) producer, who confirms that he/she carried out a substantial investment in purchasing, obtaining, specifying or presenting the contents of a database from the qualitative and quantitative point of view, shall enjoy an exclusive right to prevent an extraction and/or re-use of its total content or of its significant part, which has been evaluated qualitatively and/or quantitatively.

2. For the purposes of this chapter, an extraction shall mean a permanent or temporary transfer of all the contents of a database or its important part to another material carrier in any way or in any form, while re-use shall mean a public distribution of the above carrier or its copies by rent or another form transfer of ownership, or communication to the public of the whole contents of a database or of its significant part. The first sale of copies of a database by its producer or sale with his/her consent in Georgia shall exhaust the right to control their further distribution in Georgia.

3. Repeated or systematic extraction and/or re-use of insignificant parts from a database content shall be inadmissible, if such action conflicts with its normal exploitation and unreasonably prejudices the legitimate interests of the database producer.

4. A database producer's rights provided in paragraph 1 of this article may be transferred to another person under an agreement.

5. The rights specified in paragraph 1 of this article shall be valid regardless of whether works, subject matters of related rights and other data, included in the data base, are protected, irrespective of their content. Database protection according to the rights under paragraph 1 of this article may not prejudice copyright or other rights related to constituent parts of the database.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 54^1 - Database depositing

1. A database producer shall have the right to deposit the original or a copy of a database in the National Intellectual Property Centre (Sakpatenti). A certificate issued by the National Intellectual Property Centre (Sakpatenti) as a result of depositing shall confirm the fact of database depositing only.

1. An author or another copyright holder shall have the right to deposit the original or a copy of a work with the National Intellectual Property Centre (Sakpatenti). Unless proved otherwise, a person referred to in a deposit certificate shall be deemed as the author/copyright holder of the work.

2. When depositing the original or a copy of a database with the National Intellectual Property Centre (Sakpatenti), an applicant must protect the copyright and other rights related to a database.

3. An applicant shall be responsible for the accuracy and reliability of documents submitted to the National Intellectual Property Centre (Sakpatenti).

4. If a producer's heir, successor or another person who owns the rights of the producer submits an application for depositing a database to the National Intellectual Property Centre (Sakpatenti), it must be accompanied by a document proving the ownership of the rights of inheritance, succession, or the rights of the producer.

5. Whene depositing a work with the National Intellectual Property Centre (Sakpatenti) through a representative, an application shall be also accompanied by a document certifying the representation.

6. The information related to a deposited database may be made public by the National Intellectual Property Centre (Sakpatenti) at the database producer's request.

7. A fee for depositing a database, determined by an ordinance of the Government of Georgia, shall have to be paid.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Law of Georgia No 3032 of 4 May 2010 – LHG I, No 27, 24.5.2010, Art. 184

Article 55 - Rights and obligations of a legitimate database user

1. If a database has been made available to the public by way of publication or communication to the public, its producer may not prevent a legitimate user of the database from extracting insignificant parts, evaluated qualitatively and/or quantitatively, of the database contents and/or re-using them for any purpose. Where a legitimate user has the right to extract and/or re-use a database in part, this paragraph shall apply only to that part.

2. An action by a legitimate user of a database that has been made available to the public by way of publication or communication to the public must not prejudice the legitimate interests of the producer of the database.

3. A legitimate user of a database that has been made available to the public by way of publication or communication to the public may not violate the rights of holders of copyright and related rights with respect to works included in the database or to the subject-matter of related rights.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 56 - Limitations to the rights of a database producer

A legitimate database user shall, without the permission of its producer, be entitled to:

a) extract a significant part of a non-electronic database contents for personal use;

b) extract a significant part of a database contents for illustrating study and research materials, aknowledging the source, and in a size determined by a specified non-commercial purpose;

c) extract and re-use a significant part of the contents of a database for the purposes of protecting public safety and administrative or court proceedings.

Chapter VIII - Validity Term of Related Rights and the Rights of a Database Producer

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 57 - Validity term of related rights

1. A performer's right provided in Article 47 of this Law shall be valid for 50 years after the first performance. If, within this period fixation of the performance was made lawfully available to the public by way of publication or communication to the public, the term shall be extended for 50 years from the first occurrence of such a fact.

2. A performer's right of attribution and right to honour and reputation shall be protected in perpetuity. These rights shall not be inherited. A performer's moral rights shall be protected after his/her death, according to the procedure provided for the protection of personal non-property rights of authors of scientific, literary and artistic works.

3. A phonogram or videogram producer's right provided in Articles 48 and 49 of this Law shall be valid for 50 years from the first fixation of a phonogram or a videogram. If, during this period, the phonogram or the videogram was made lawfully available to the public by way of publication or communication to the public, this period shall be extended for 50 years from the first occurrence of such a fact.

4. A broadcasting (cable) organisation's right provided in Article 50 of this Law shall be valid for 50 years after the first transmission of such organisation's broadcast.

5 A database producer's right provided in Article 54 of this Law shall be valid for 15 years from the making of the database. If, within this term the database was made lawfully available to the public by way of lawful publication or communication to the public, 15 years shall be counted from the first occurrence of such a fact.

6. Any qualitatively and/or quantitatively evaluated change to the contents of a database described in Article 54 of this Law, particularly, any significant change due to deletions or adjustment, which allows a determination that a substantial investment from a qualitative or quantitative point of view has been made, shall make it possible for a database that has been changed as a result of such investment to be attributed its own term of protection.

7. The times provided in this article shall be counted starting from 1 January of the year following the year when the legal fact that was the basis for starting counting the mentioned term, occurred.

8. The rights specified in this chapter shall, during the validity of the terms provided in paragraphs 1 and 2-5 of this article, be transferred to the heirs of a performer, a phonogram or a videogram producer, a broadcasting organisation, and a database producer, while in the case of a legal person – to its legal successor.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Chapter IX - Protection of Copyright, Related Rights and the Rights of a Database Producer

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 58 - Infringement of copyright, related rights and the rights of a database producer

1. Infringement of copyright, related rights and the rights of a database producer under this Law shall lead to civil, administrative and criminal liability.

2. A natural or legal person, who does not observe the requirements of this Law, shall be considered to be an offender of copyright, related rights and the rights of a database producer.

3. The following shall also be considered to be infringement of copyright, related rights and the rights of a database producer:

a) unlawful use of a work, a performance, a phonogram, a videogram, a broadcasting organisation broadcast and a database;

b) altering or deleting of rights management information without the consent of the right holder;

c) if a work, a subject-matter of a related right or a database was made available to the public (by way of communication to the public, distribution, or rent of or another form of transfer of ownership to the copies of fixation), by a person who knew, or had reasonable grounds to know, that the rights management information had been altered or deleted without the permission of the right holder;

d) circumvention of technological means;

e) manufacturing, import, distribution, sale, rent, or advertising of such a technology, device or its component which:

e.a) is put into civil circulation for the purpose of circumvention of technological means;

e.b) has a limited commercial significance and may be used for purposes other than circumvention of technological means;

e.c) was originally made, intended, produced or re-made for the purpose of enabling or facilitating the circumvention of any technological means;

f) offering and rendering services aimed at neutralising technological means by using a technology, device or its components.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 59 - Protection of copyright, related rights and the rights of a database producer

1. Holders of copyright and related rights and database producers shall have the right to require that the offender:

a) recognise their rights;

b) restore the status existing before the infringement and preclude acts that infringe their rights or pose a threat of infringing the rights;

c) compensate for losses, including for unearned profits;

d) instead of compensating for losses, be subjected to confiscation of the income gained as a result of infringing their rights;

e) instead of compensating for losses and being subjected to confiscation of income, pay compensation in an amount to be determined by a court; at the same time, the compensation shall not be less than the ten times the amount of monetary remuneration receivable by the right holder in the case of him/her/it legitimately exercising his/her/its right, that has been infringed;

f) take other measures related to the protection of their rights, provided in the legislation of Georgia.

2. The measures provided in paragraph 1(c-e) of this article shall be applied at the discretion of the right holder.

3. While determining the amount of damages, the nature of the infringement, the property and non-property damage inflicted to a right holder, as well as the expected income that the right holder could have gained as a result of legitimate use of the work, the subject-matter of related rights or the database shall be taken into account.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 60 – Pirated copies

1. Copies of a work, a phonogram, a videogram or a database, whose production, distribution, rent or other use results in infringement of the copyright, related rights or the rights of a database producer, shall be deemed pirated copies.

2. Copies of a work, a phonogram, a videogram or a database, protected in Georgia under this Law, that were imported into Georgia without the consent of the right holder from a state where they have never been protected or where their protection has been terminated, shall also be deemed pirated copies.

3. A court may decide on the seizure of pirated copies of a work, a phonogram, a videogram or a database, as well as of the material, device or its component necessary for their reproduction or circumvention of technological means. Pirated copies of a work, a phonogram, a videogram or a database may be handed over to the right holder upon his/her/its request.

4. Pirated copies of a work, a phonogram, a videogram or a database, which have not been recalled by the right holders, as well as the material, device or its component necessary for their reproduction or circumvention of technological means shall be subject to destruction, in accordance with a court decision.

5. Pirated copies of a work, a phonogram, a videogram or a database lawfully purchased by a third party shall not be subject to seizure, except where the pirated copies have been purchased for commercial purposes.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 61 – Legal remedies for satisfaction of a claim on the protection of copyright, related rights and the rights of a database maker

1. Prior to hearing on the merits of a case, a court or a judge may solely deliver a judgement prohibiting a defendant or a person, who is reasonably presumed to have infringed the copyright, related rights or the rights of a database maker, to perform acts such as production, reproduction, distribution, rent, import, public performance, communication to the public, public display or other use of the subject-matter of copyright and related rights, a database, or their copies, as well as their transportation, storage and holding for the purpose of performing such acts.

2. Prior to hearing on the merits of a case, a court or a judge may solely deliver a judgement on seizure and confiscation of all the copies of a work, a subject-matter of related rights or a database, reasonably presumed to be pirated copies, as well as of material, a device or its components, intended for their production and reproduction, and circumvention of technological means.

3. In the case of the existence of reasonable evidence of infringement of a copyright, related rights and the rights of a database maker, for committing which criminal liability is envisaged, an investigator or a court shall be obliged to take measures to satisfy a legal claim that either has been filed or may be filed, by searching for and seizing the following items:

a) copies of a work, a subject-matter of related rights or a database, reasonably presumed to be pirated copies;

b) material, a device or its components and other technical means intended for the production and reproduction of pirated copies, as well as for circumvention of technological measures;

c) documents, reports and other items that may be used as evidence in the course of court proceedings.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 62 - State policy in the field of copyright and related rights

1. The National Intellectual Property Centre (Sakpatenti) shall ensure pursuing the state policy and performing other functions granted by law in the field of copyright and related rights. Its status and powers shall be determined based on the legislation of Georgia and the respective regulations.

2. The National Intellectual Property Centre (Sakpatenti) shall be authorised to:

a) ensure implementation of the State policy in the sphere regulated by the legislation on copyright and related rights, and submit proposals on its development to the Prime Minister of Georgia;

b) represent Georgia at international organisations working in the field of protection of intellectual property;

c) deposit works and databases, according to the procedure provided in this Law;

d) request information related to management of property rights from collective management organisations;

e) participate, through its representative, with the right of advisory vote, in general meetings of an organisation and in the meetings of its supervisory bodies, and if the organisation violates the requirements of the legislation of Georgia and its charter, fails to ensure the effective management and exercising of property rights of local and foreign copyright holders, as well as violates the legitimate interests of users in the course of exercising the aboverights, raise respective issues at a general meeting of the members of the organisation.

Law of Georgia No 651 of 5 December 2000 – LHG I, No 47, 14.12.2000, Art. 135

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Law of Georgia No 1328 of 25 September 2013 - website, 8.10.2013

Chapter X - Management of Property Rights on a Collective Basis

Article 63 – Establishing a collective management organisation

1. Property rights of authors of scientific, literary and artistic works, of performers, producers of phonograms, videograms and data bases, as well as of other holders of copyright and related rights in Georgia shall be managed by collective management organisations, which have concluded mutual representation agreements with similar organisations of most countries.

2. A collective management organisation shall be formed on a voluntary basis, by owners of copyright and related rights. It shall not be a creative union and the requirements of the Law of Georgia on Creative Workers and Creative Unions shall not be applicable to it. The organisational and legal form of such an organisation shall be a non-entrepreneurial (non-commercial) legal entity. If the organisation's charter complies with the requirements of this Law and of other pieces of the legislation of Georgia, the respective registration agency of the National Agency of Public Registry shall decide on its registration and issue an extract from the Register. The organisation shall be authorised to manage property rights only after the competent registration agency of the National Agency of Public Registry registers it in the Registry.

3. The procedure for keeping the Registry of collective management organisations, the Register form, as well as the form of an extract from the Registry shall be approved by the order of the Minister for Justice of Georgia.

4. A collective management organisation shall not have the right to perform entrepreneurial activity and use for this purpose a work or a subject-matter of related rights, the rights to which have been transferred to it for management on a collective basis. The above organisation shall act within the scope of authority which is established by the legislation of Georgia and which, under the charter, has been conferred on it by the owners of copyright and

related rights.

5. A charter of a collective management organisation shall contain the provisions complying with the requirements of this Law. Management of the organisation's activities shall be exercised by the holders of copyright and related rights whose property rights are managed by that organisation. Decisions on the amount of royalties and terms for granting licences to the users, on the procedure for distribution and payment of the collected roayalties, as well as on other important matters shall be taken by the holders of copyright and related rights collegially at a general meeting.

6. It shall be permissible to form individual organisations to manage different rights of different categories of right-holders, or organisations to manage different rights of a certain category of right holders.

7. Restrictions provided by antimonopoly legislation shall not be applicable to a collective management organisation.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Law of Georgia No 5423 of 26 October 2007 – LHG I, No 38, 14.11.2007, Art. 365

Law of Georgia No 1975 of 3 November 2009 – LHG I, No 35, 19.11.2009, Art. 263

Article 63^1 - Publicity of activities of a collective management organisation

1. A collective management organisation shall carry out its activity in compliance with the principles of publicity and transparency. Such organisation shall be obliged to publish its annual activity report, which must include:

a) annual income;

b) the amount of royalties collected for, and distributed among, local and foreign rights holders;

c) other important information.

2. A collective management organisation shall be obliged to:

a) submit to the National Intellectual Property Centre (Sakpatenti): the charter and the information concerning introducing amendments to the charter; the information concerning the persons participating in the management bodies of the organisation and the changes having taken place in the bodies; mutual representation agreements concluded with similar organisations of other countries; the tariffs fixed for the use of copyright and related rights and the information concerning the changes in the tariffs; the minutes of meetings of the management and management bodies; the annual report; the court decisions on cases to which it was a party;

b) call a general meeting of the members of the organisation within three months after receiving from the National Intellectual Property Centre (Sakpatenti) of a substantiated written request for calling a general meeting of the members of the organisation.

3. In compliance with paragraph 2 of this article, the information submitted by a collective management organisation to the National Intellectual Property Centre (Sakpatenti) shall be public.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 64 – Activities of a collective management organisation

1. The authority to manage property rights on a collective basis shall be transferred to an organisation voluntarily, directly by the owners of copyright and related rights on the basis of a written agreement on their membership in the organisation, as well as on the basis of a mutual representation agreement, concluded with a similar foreign organisation. The above agreement shall not be a copyright agreement and shall not be a subject to the provisions of Article 40 of this Law.

2. An author, a holder of related rights, their heirs, successors, other holders of copyright and related rights shall have the right to transfer their property rights for management to a collective management organisation, while the organisation is obliged to undertake the management of those rights on a collective basis, if managment of such category of rights, proceeding from the concrete forms of their use, falls within the scope of activity of that organisation.

3. In compliance with the rights obtained under this law, a collective management organisation shall grant licences to users to use a work or a subject-matter of related rights in a respective form. The conditions of the licences must be similar for all the users of a specific category. An organisation shall not have the right tp refuse to grant a licence to users, without reasonable grounds.

4. A user of a subject-matter of copyright or related rights shall, upon request of the collective management organisation, provide it with all the documents containing precise data on the use of a work or a subject-matter of related rights, which is necessary for collecting and distributing royalties.

5. A user of a subject-matter of copyright or related rights shall be obliged to maintain the respective documents showing the information on the use of the subject-matter of copyright or related rights, except when it is not necessary for collecting and distributing royalties under an agreement with the collective management organisation.

6. In case of public performance of a work or a subject-matter of related rights, the responsibility for the lawful use of the work or the subject-matter of the related rights shall be determined by a written agreement concluded among the user, the public performance organiser and the person holding the right of ownership of, or the right to use, the place or premises (a square, a stage, a hall, etc.) where the public performance takes place. In the case of absence of the above written agreement, the responsibility for the lawful use of the work or the subject-matter of the related right shall be imposed jointly on the user, the public performance organiser and the person holding the right of ownership or use of the place or premises (square, scene, hall,

etc.) where the performance takes place.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 65 – Rights of a collective management organisation

1. A collective management organisation shall have the right to:

a) agree to the amount of royalties and other licence conditions with the user;

b) grant a licence authorising the use of a right it manages;

c) agree with the user on the amount of royalties, when the royalties are collected without granting a licence, in cases provided in Article 21(4) and Article 51(3) of this Law;

d) collect the royalties specified by licence and/or the royalties provided in paragraph 1(c) of this article;

e) distribute and pay the respective royalties to the holders of copyright and related rights;

f) perform acts necessary for protecting or exercising the rights transferred to the organisation for management, including the right to represent the rights holder in a court and the right to use all the rights granted by the procedural legislation of Georgia;

g) carry out other activities within the scope of authority granted to it by the holders of copyright and related rights.

2. A collective management organisation shall also be authorised to represent all holders of copyright and related rights unknown to it or whose identity cannot be established and to include their works and other protected subject-mattera in the licences to be issued to the users. The provisions of this paragraph shall not apply to cinematographic and other works expressed by means analogous to cinematography.

3. Until otherwise proven, all works or subject-matters of related rights publicly performed, transmitted over the air or by cable, or otherwise made available to the public, as well as included in broadcasts, fixated in phonograms and videograms shall be assumed as a part of the repertoire of the collective management organisation. In such a case, the burden of proof shall rest with the user. The provisions of this paragraph shall not apply to cinematographic and other works expressed by means analogous to cinematography.

4. The collective management organisation that has issued permission to use a subject matter of copyright or related rights to a user, shall be responsible on the part of the rights holder for a property claim that may arise in connection with the use by a user of the subject-matter of copyright and related rights, based on an agreement signed by the right holder with the collective management organisation.

5. If three years have passed from the use of the works or subject-matters of copyright or related rights of unidentified authors, and such authors do not claim the royalties they are entitled to in accordance with Article 66 (2)(a) of this Law, the collective management organisation shall have the right to distribute the collected sum among other authors proportionally or transfer the sum to the funds of holders of copyright and related rights.

Article 66 - Duties of a collective management organisation

1. Activities of a collective management organisation shall be carried out in accordance with the interests of the holders of copyright and related rights represented by this organisation. For this purpose the organisation shall be obliged to:

a) use the collected royalties only to be distributed among and paid to the holders of copyright and related rights. At the same time, the organisation shall have the right to deduct from the royalties sums spent for its collection, distribution and payment and sums transferred to special funds formed at the decision of the right holders;

b) distribute and pay the royalties after deduction of the sums mentioned in subparagraph (a) of this paragraph proportionally to the actual use of the work or the subject-matter of related rights;

c) present to the holders of copyright and related rights, upon payment of the royalties, accounts containing the information on the use of their rights.

2. Holders of copyright and related rights, who have not transferred the rights related to collecting royalties, to a collective management organisation, shall have the right to:

a) request that the organisation to pay the royalties in accordance with the distribution;

b) request that the organisation exclude their works or subject-matters of related rights from the licences that the organisation issues to users for the term of three years from the date of use by the user of their works or subject-matters of related rights.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Chapter XI - Transitional Provisions

Article 67 – Applying provisions of this Law to relations that originated earlier

1. This Law shall apply to the relations connected with the creation and use of the subject-matters of copyright and related rights that originated after entry into force of this Law.

2. With respect to a work, a 70-year term of copyright protection of which has not expired by the time this Law enters into force, the copyright terms, provided by Articles 31 and 32 of this Law, shall apply.

3. With respect to a performance, a 50-year term after its first performance of which has not expired by the time this Law enters into force, the term of protection of the rights of performers provided by Article 57(1), shall apply.

4. With respect to a phonogram and videogram, a 70-year term after creation, first publication, or communication to the public of which has not expired by the time this Law enters into force, if they were not made available to the public by way of publication or communication to the public during the above term, the validity term of related rights, provided by Article 57(3) of this Law shall apply.

5. With respect to broadcasts of broadcasting organisations, a 70-year term after creation, first publication, or communication to the public of which has not expired by the time this Law enters into force, if they were not made available to the public by way of publication or communication to the public during the above term, the validity term of related rights, provided by Article 57(4) of this Law shall apply.

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Article 67^1 – (Deleted)

Law of Georgia No 1585 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 198

Law of Georgia No 5423 of 26 October 2007 – LHG I, No 38, 14.11.2007, Art. 365

Chapter XII - Final Provisions

Article 68 – Invalidated subordinate normative acts

Upon entry into force of this Law, all subordinate normative acts conflicting with this Law shall be deemed null and void.

Article 69 - Entry into force of this Law

This Law shall enter into force upon promulgation.

President of Georgia **Eduard Shevadnadze**

Tbilisi

22 June 1999

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