

## **LAW OF GEORGIA ON COPYRIGHT AND RELATED RIGHTS**

### **Article 1. Sphere of regulation**

This Law shall regulate:

- a) Relations associated with the property and personal non-property rights of authors that arise upon the creation and use of scientific, literary and artistic works (copyright);
- b) Relations associated with the copyright-related rights of performers, producers of phonograms, videograms and broadcasting organizations (hereinafter - related rights);
- c) Relations associated with the database creators' rights.

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### **Article 2: International agreements**

If international agreements to which Georgia is a party define the rules other than those of this Law, the rules of the international agreements shall apply.

### **Article 3. Scope of the Law**

This Law shall apply to:

- a) Scientific, literary and artistic works, performances, phonograms, videograms and databases, on which the owner of copyright is a national of Georgia, a natural person having habitual residence on the territory of Georgia and a legal entity with a seat on the territory of Georgia;
- b) Scientific, literary and artistic works, phonograms, videograms and databases, first published in the territory of Georgia. A work, phonogram and videogram shall also be deemed to be first published in Georgia, if within 30 days after the first publication abroad they are published in the territory of Georgia;
- c) Performances, first performed on the territory of Georgia; performances recorded on a phonogram or videogram, which is protected in accordance with Subparagraph (b) of this Article; performances, not recorded on a phonogram or videogram, but included in a broadcast of a broadcasting organization, which is protected in accordance with Subparagraph (d) of this Article;
- d) Broadcasts of the Public Broadcaster, Adjara Broadcaster of the public Broadcaster and radio, as well as broadcasts of another broadcaster, which according to the rule prescribed by the legislation of Georgia has obtained a broadcasting license and transmits a broadcast via transmitters located in Georgia, by the air, by cable, or by other analogous means;

e) Architectural works located on the territory of Georgia, artistic works incorporated in an architectural work located on the territory of Georgia, notwithstanding the nationality and permanent residence of their authors;

f) Other scientific, literary and artistic works, performances, phonograms, videograms and broadcasts of broadcasting organizations, which are protected by the international agreements to which Georgia is a party

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*Law of Georgia of 12 June 2015 No: 3694, website, 15.06.2015*

#### **Article 4. Definition of terms used in the Law**

The terms used in the Law shall have the following meanings:

a) Author: a natural person as a result of whose intellectual and creative efforts a work has been created;

b) Audiovisual work: a work consisting of a series of images whether or not accompanied by sound that imparts the impression of motion and can be seen and/or heard. Audiovisual work includes cinematographic and other works expressed by means analogous to cinematography (tele, video films, film strips, etc.);

c) Producer of an audiovisual work: a natural person or legal entity who has taken the initiative and has assumed the responsibility for production of such a work; in the absence of proof to the contrary, the natural person or legal entity whose name is appropriately indicated on the work shall be regarded as the producer of an audiovisual work;

d) Making available to the public: any act (other than publication), as a result of which, either directly or through a technical device, a work, performance, phonogram, videogram, broadcast of broadcasting organization or database became available to the public;

e) Publication: shall mean making available to the public of copies of a work, phonogram, videogram or database with the consent of the author, other holder of copyright or related rights or database maker through sale or rental, or other transfer of ownership of a work, phonogram, videogram or database in quantities sufficient to satisfy the reasonable public demand;

f) Rental: making available the original or a copy of a work or the subject of the related rights for a limited period of time for profit generation;

g) Videogram: record of the series of related images in any material form, whether or not accompanied by sound;

h) Videogram producer: a natural person or legal entity who takes the initiative and has the responsibility for the first recording of the series of images with or without sound; in the absence of proof to the contrary, the a natural person or legal entity whose name and/or title is appropriately indicated on the videogram and/or its case shall be considered the videogram producer;

i) Transmission by cable: transmission of sounds and/or images for public reception through a wire, optical fiber cable or other similar means;

i<sup>1</sup>) Retransmission by cable: simultaneous, unaltered and unabridged retransmission by cable or microwave system of television or radio programs of an initial transmission by wire or by air, including that by satellite intended for reception by the public;

j) Computer program: a set of instructions expressed in words, codes, schemes or in any other machine-readable form, which activates a computer in order to bring forth a particular result. The term also includes preparatory material for computer program design;

k) Broadcasting: transmission of a sound and/or images by wireless communication, including by satellite (satellite: any satellite operating on frequency bands which, under telecommunications rules, are reserved for the broadcast of signals intended for reception by the public; communication to the public by satellite – the act of receiving under the control and responsibility of the broadcasting organization the program-carrying signals; programs intended for reception by the public are received as an uninterrupted chain of communication - leading up towards the satellite and down towards the earth); transmission of encrypted signals is broadcasting where the means for decrypting are provided to the public by the broadcasting organization or with its consent;

l) Broadcast of a broadcasting organization: a set of sounds and/or images designated for reception by the public that is transmitted by air or by cable;

m) Database: a collection of works and/or other data and materials arranged in a systemic or methodical way, which is individually accessible by electronic or other means. The term does not imply a computer program which is used during making and application of a database accessible by electronic means;

n) Reproduction: making of one or more copies of a work, a subject 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 a sound and video recording. Recording for temporary or permanent storage, in an electronic (including digital), optical or other machine-readable form shall also be deemed as reproduction;

n<sup>1</sup>) Temporary copy – incidental or necessary transient copy of a work,

recording of a performance, phonogram, videogram, database or broadcast of broadcasting organization, which is an integral and essential part of a technical process; the sole purpose of a temporary copy is to enable the transmission of a work and/or subject-matters of related rights in a network between third parties during an intermediary or lawful use of a work and which has no independent economic significance.

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

o<sup>1</sup>) Available format: result of reproduction of the scientific, literary, art printed work by the alternative means or form, ensuring equal availability of the aforementioned work for the person not in breach as per Subparagraph “y” of this Article for the beneficiary. Available format does not exclude use of the supplementary means by the beneficiary or authorized person and/or other support;

p) Communication to the public: broadcasting of images and/or sounds of a work, performance, phonogram, videogram, database, broadcast of a broadcasting organization by cable or by other means (other than diffusion of copies of a work or phonogram) in such a way that persons not belonging to the circle of the family or friends of the family may access them from a place (places), so distanced from the place of broadcasting that without such broadcasting the image and/or sound may not be perceived at the receiving

place (places), including in a way that the subject-matter of copyright or related rights and databases may be accessed by any person at an individually chosen time and place.

q) Public performance: presentation of a work, performance, phonogram, videogram, broadcast of a broadcasting organization by reciting, acting, singing, dancing or other form, directly (live performance) or by means of any device in a place (places), where the public performance may be accessed without necessary communication to the public and where there may be present the people not belonging to the circle of the family or friends of the family. Presentation of images of an audiovisual work as a sequence shall be regarded as public performance of the work;

r) Public display: demonstration of the original or a copy of a work directly or on a screen by means of a tape, slide, picture frame or other technical means, at a place (places) where the public display can be accessed without necessary communication to the public and where there may be present the people not belonging to the circle of the family or friends of the family. Showing of individual picture frames of an audiovisual work non-sequentially shall be regarded as the public display of the work;

s) Technological means: any technology, device or its component during the normal functioning of which acts are prevented or restricted that are not authorized by the holder of copyright or other rights; technological measures shall be deemed effective where the use of a protected work or other subject-matter is controlled by the rightsholder through processes (encryption, restriction of copying, etc.) which serve the purpose of protection;

s<sup>1</sup>) Circumvention of technological means: use of a device or its component and/or other means for neutralizing technological means;

t) Rights management information: any information by means of which the author or other rightholder of a work or other subject-matter protected by this Law, or information on the terms and conditions of use of the work or other subject-matter protected by this Law, as well as any numbers and codes in which such information is given, if any of element of this information is indicated on a copy of a work or other subject-matter protected by this Law or appears during their communication to the public;

u) Phonogram: a fixation of the sounds of a performance, other sounds or a signal expressing sounds. The term shall not imply a fixation of the sounds incorporated in an audiovisual work;

v) Producer of a phonogram: a natural person or legal entity who has taken the initiative and has assumed the responsibility for the first fixation of the sounds of a performance or other sounds; in the absence of proof to the contrary, the natural person or legal entity whose name and/or title is appropriately indicated on the phonogram and/or its case shall be deemed as the producer of the phonogram;

w) Fixation: embodiment of images and/or sounds in any material form, which allows their perception, reproduction or communication through a technical device; (03.06.2005 №1585)

x) performer – an actor (of theatre, cinema, etc.), singer, musician, dancer or other person who acts, delivers, sings, declaims, plays a musical instrument or otherwise performs a literary or artistic work, a variety, circus, puppet or folklore show;

y) Beneficiary: irrespective of other restriction of the capabilities, a person with such disorder of the capability of sight, physical capabilities, perception or reading of the printed works that prevents him/her from reading the printed work equally with any other person. A person requiring simple appliances intended for improvement of the eyesight for reading of the printed work shall not be regarded as the beneficiary. Decision on awarding the status of beneficiary shall be made in the event of submission of the expert's

certificate on health status and/or certificate on limited capabilities (with due regard of the grounds for issuance of the certificate/awarding of the status of limited capability);

z) Authorized person: Sakpatenti has recognized as the authorized person the Legal Entity of Public Law, Iliia Chavchavadze National Library of Georgia, mass (public) library involved into the Municipal Libraries Network, the educational institutions, non-entrepreneurial (non-commercial) legal entity with one of the key activities is providing of the educational services for non-commercial purposes.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 15 December 2023 No: 3966, website, 25.12.2023*

*Law of Georgia of 6 February 2025 No: 266, website, 06.02.2025*

## **Chapter II**

### **Copyright**

#### **Article 5. Subjects of Copyright**

1. Copyright applies to scientific, literary and artistic works that are results of the intellectual-creative activities, irrespective of purpose, value, genre, size and forms, and means of its expression.
2. Copyright applies to published, as well as to unpublished works, which exist in some objective form.
3. Copyright does not apply to ideas, methods, processes, systems, means, conceptions, 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 art works**

1. Scientific, literary and art works are as follows:

- a) Literary works (books, brochures, articles, computer programs, etc.);
- b) Dramatic or musical-dramatic works, choreographic, mime, and other theatrical works;
- c) Musical works, with, or without texts;
- d) Audiovisual works;
- e) Sculptural, painting, architectural, graphic, lithographic and other work of visual art;
- f) Pieces of decorative-applied and monumental art;

- g) Pieces of theatrical-decorative art;
  - h) Architectural, urban development or gardening-park works;
  - i) Photographic works, and works which are created through means similar to photography. Separate images from the audiovisual work shall not be regarded as a photographic work;
  - j) Maps, plans, sketches, illustrations and other three-dimensional works belonging to geography, cartography or other sciences;
  - k) Reworked work, in particular, translation, lineal translation of the literary work, adaptation, screenplay, overview, staging, compilation, musical arrangement, and other reworking of the scientific, literary and art works;
  - k) Combined works, such as collections of works, encyclopedia, anthologies, or databases which, by reason of the selection or arrangement of their contents, constitute the authors' own intellectual creation.
  - l) Other works.
2. Copyright protection extends to reworked and combined works, irrespective of the works on which they are based or which they include, being or not the object of copyright.
  3. Protection of the copyright to the reworked and combined works shall be provided equally to the protection of the original ones.
  4. Protection of computer programs apply to all kinds of computer programs (including operational systems), which can be expressed in any language and in any form, including source and object code.

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

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

### **Article 7 Independence of the copyright from the property right**

1. Copyright does not depend on the property right to the material subject wherein the work is expressed.
2. Transfer of the property right to or possession of the material subject does not, as such, cause transfer of the copyright to the work expressed in such subject, with the exclusion of cases, specified in Article 18 of this Law.

### **Article 8 Not copyrightable items**

1. Copyright does not apply to the following items:
  - a) Official documents (laws, statutes, court orders, other texts of administrative and legislative (normative) nature, as well as official translations thereof;

b) Official symbols of state (flag, armorial bearing, anthem, bonuses, banknotes, other official signs and symbols of state;

c) Information about events and facts.

2. In the event of use of the works specified in Subparagraph “b”, Paragraph 1 of this Article under the other person’s name, the author’s right to the name can be protected.

### **Article 9. Arising of copyright. Authorship**

1. Copyright to scientific literary and artistic works arises from the moment of its creation. A work shall be regarded created, when it is expressed in the objective form, allowing its perception and reproduction.

2. For creation and exercising of the copyright, registration, any special form or other formalities are not required.

3. (Omitted)

4. A copyright holder, for the purposes of making his rights transparent, can use the copyright protection sign, which is affixed on every single copy of the work and consists of three elements:

a) Latin letter C in a circle - ©;

b) The name (title) of the exclusive right holder;

c) The year of the first publication of the work.

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

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

### **Article 9<sup>1</sup>. Depositing of the copyright**

1. The author or other holder of the copyright shall be entitled to deposit the original work or a copy thereof with “Sakpatenti”. A person specified in the deposit certificate shall be regarded as the author of the work / copyright holder, unless the contrary is proved.

2. Depositing the original work or copy thereof with Sakpatenti, the applicant shall respect the other persons’ copyright and other rights.

3. The applicant shall be responsible for accuracy and authenticity of the documentation submitted to Sakpatenti.

4. If the work is submitted to Sakpatenti by the author’s heir, successor or other person holding the copyright, the application shall be accompanied with the documents evidencing heritage, succession, or ownership of the copyright.

5. Application on deposition of the work via the representative shall be accompanied with the document evidencing representation authorities.

6. Information related to the work deposited with Sakpatenti according to this Article shall be made public upon request of the author of the work or other copyright holder/

7. For depositing of the work, the fees determined by the resolution of the government of Georgia shall be paid.

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*Law of Georgia of 4 May 2010 No: 3032 – GLH I, No: 27, 24.05.2010, Art. 184*

### **Article 10 Presumption of authorship**

1. A person, properly specified as an author, on the original work or a copy thereof, shall be regarded as an author, unless the contrary is proven. This provision shall be applicable in case of publication of the work with the pseudonym, if the author is widely known with this pseudonym.

2. Where the work is published under the pseudonym (with the exclusion of cases, where the author is widely known with the said pseudonym) or published anonymously, whose name is properly specified on the work, shall be regarded as the author's representative, unless otherwise is proven. He/she. As the representative, shall be entitled to protect the author's rights and ensure their exercising. This provision shall be applicable, until the author of such work discloses his/her identity.

### **Article 11 Co-authorship**

1. The copyright to the work, which is a result of joint creative activity of the two or more persons (co-authorship), jointly belongs to co-authors, irrespective of the work representing one indivisible whole, or consisting of parts where each of them has independent meaning. Relations between the authors are defined by the authorship agreement concluded between them.

2. None of the co-authors is authorized to prevent from exploitation of such a work without having substantial grounds for that.

3. Co-authors shall be authorized to publish a work under a joint common pseudonym.

4. Each co-author shall be authorized to use the part of the work created by him and which has an independent meaning unless the contrary is provided by the authorship agreement concluded between them.

5. A part of the work, created under co-authorship, shall be regarded as having the independent meaning, if it can be used without other parts of the work.

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### **Article 12 Rights of the of the collection authors**

1. The author of a collection shall have the copyright to the selection and dislocation of the materials as the result of his/her intellectual activities.
2. The author of the collection shall protect the copyright of the authors of works included into the collection.
3. The authors of the works included into the collection shall be entitled to use their works independently from the collection, unless the authorship agreement otherwise provide.
4. The copyright of the author of a collection does not prevent third parties from creating their own collection on the basis of independent selection and arrangement of the same material.

### **Article 13 Rights of the authors of re-worked items**

1. Author of the re-worked work shall be a holder of the copyright to the reworking made by him/her.
2. Author of the re-worked item shall respect the copyright of the original work.
3. Copyright of the author of the reworked item shall not prevent the other persons from reworking of the same item.

### **Article 14 Special rights of the publishers**

1. Publishers of the encyclopedias, encyclopedic dictionaries, scientific works, periodicals and collections continuing one another, newspapers, magazines and other periodicals shall have the special rights to use of the works included into such publications. The publisher shall be entitled to make reference to himself/herself in any kind of use of such works or demand to make such reference. Use of the works included into the newspaper, magazine or other periodicals without reference to such newspaper, magazine or periodical, without consent of such publisher or author of the work is unacceptable, with the exclusion of cases specified by this Law. In case of use of the exclusive materials published in press or other mass media by the other media, the reference to the media that has first published the materials shall made.
2. Authors of the works included into the publications specified in Paragraph 1 of this Article shall maintain the special rights to use their works, unless otherwise provided by the authorship agreement.

*Law of Georgia of 9 September 1999 No: 2388 – GLH I, No: 43 (50) 21.09.1999, Art. 223*

### **Article 15 Copyright to the audiovisual works**

1. The authors of the audio-visual works are considered the principal director, the author of the screen-play, the author of the dialogues, and the author of music, with or without text, specifically created for use in the audiovisual works.

2. Agreement on the creation of the audiovisual work causes transfer of the special rights to use such work by the authors (co-authors) to the producers of such audiovisual work, unless otherwise provided by the agreement. The authors (co-authors) of such work shall maintain the right to receive the royalties from the users (broadcasting organization, cinema theatre etc.) for any use of such work and any other agreement between the audiovisual work producer and the authors (co-authors) shall be void. Such right shall be exercised only by means of the organization for management of the property rights on the collective basis.

3. The producer of audiovisual work shall be entitled to specify his/her name or demand its specifying in case of any use of such work.

4. Author of the work, created earlier and re-worked or included, as a component, into the audiovisual work, as well as the author of work that was created in the process of creation of the audiovisual work, shall maintain the copyright to their works that have independent meaning. They shall be entitled to use these works independently, unless otherwise provided by the agreement, provided that such use does not prevent normal use of the audiovisual work.

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*Law of Georgia of 3 June 2023 No: 3450 – website, 25.07.2023*

#### **Article 16 Copyright to a work for hire**

1. The copyright to a work created in the course of execution of official obligations, or tasks ordered by the employer (work for hire), shall belong, respectively, to the employee or the client, unless otherwise provided by the agreement.

2. (Omitted)

3. (Omitted)

4. (Omitted)

5. (Omitted)

6. The employee shall be entitled to indicate his/her name in case of any use of the work for hire or demand such indication.

7. In any use of the work for hire, the amount of the royalties and payment procedures can be determined by the agreement between the author and the employer.

8. (Omitted)

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 4 May 2010 No: 3032 – GLH No: 27, 24.05.2010, Art. 184*

## **Article 17 Personal non-property rights of the work author**

1. Personal non-property rights of the work author are as follows:

- a) The right to be recognized as author, including the right to claim such recognition on each copy of his work and during each use, in particular by way of indication of the author's name (right to authorship);
- b) The right to indicate pseudonym instead of real name of the author, or to request such indication on each copy of the work or during each use, or to refuse indication of name (anonymous) (right to name);
- c) The right to make decision about time, place and form of making known the fact of creation of the work;
- d) Permit other persons to make changes to the work, as such, as well as to its name (title) and author's name, as well as object to make changes to the work without his/her consent (right to inviolability of the work);
- e) Protect the work from any mutilation or other modification that can cause harm to the author's honor, dignity or business reputation (right to respect to the reputation);
- f) Permit the other persons to accompany the work with the works of the other authors (illustrations, foreword, afterword, comments, explanations etc.);
- g) The right to request that utilization of his work be stopped (right to withdrawal of the work). The author must make public announcement about his/her request. These provisions shall not apply to the works for hire.

2. The author shall bear the costs of exercising rights, contemplated in point "g" of this article. Author shall reimburse to the users of the work damage and unrealized profit, caused by his decision. Author also has the right to withdraw his/her work from civil turnover copies of work made earlier, for sale, rent and/or for the purpose of transfer of the property or ownership rights.

3. Personal non-property rights belong to author independently from his economic right and even in the case of alienation economic rights.

4. Alienation of the personal non-property rights of the author shall be prohibited in the period of his/her life. After the author's death, their exercising shall be provided according to the procedures provided for by this Law.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

## **Article 18 Property rights of the work author**

1. The author or other copyright holder shall have the exclusive rights to any use of the work.

2. Exclusive right to use the work implies the right to perform, permit or prohibit the following:

- a) Reproduction of the work (reproduction right);
- b) Distribution of the original work or copies thereof, through sale or transfer of ownership in any other form (right to distribution);

c) Import of the copies of the work, for the purpose of sale or rent and/or transfer of property or possession rights in any other form, including the copies made with the consent of the author or other holder of the copyright (right to import);

d) Public demonstration of the work (right to public demonstration). This right is not applicable, if the public demonstration is the result of lawful procurement of the work that is in civil turnover;

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

f) Public transmission of the work, including the first transmission and/or retransmission; Also, transmission of the work via cable and/or wireless communication so that it was accessible to any person at a time and place of his/her choice (right to public transmission);

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

h) Reworking of the work (right to rework);

i) Rent of the original work or copies thereof and/or transmission of ownership in any other form;

j) Other use of the work.

3. The author or other exclusive holder of the copyright shall be entitled to receive the royalties for any use of the work (right to the royalties).

4. The first sale in Georgia of a copy of a work by the author or with his consent shall exhaust the distribution right within Georgia.

5. Authors or other copyright holders of the musical works recorded in a form of sheet music, audiovisual works, software, databases, works recorded in the phonograms or videograms shall have exclusive rights to rental of the original works or copies thereof and transfer of possession in the other form, irrespective of property rights to such original works or copies thereof.

6. Special rights to use the architectural, urban development and gardening-park projects includes the right to implement such projects.

7. Amount of the author's royalties, procedures of calculation and payment thereof, for use of the compositions in any form shall be specified by the agreement between the author, other copyright holder or organization for property rights management on the collective basis on one side and the user on the other side. In case of cable re-transmission of the composition, the amount of royalties, the rules of calculation and payment hereof shall be established by the agreement between such organization and the user. If the organization for collective management of property rights and the user fail to reach the agreement, the amount of the royalties, procedures of calculation and payment thereof shall be determined, on the basis of application of one of the parties or both of them, by the decision of commission established by the order of chairman of Sakpatenti, composition and procedures of which are specified in paragraphs 5, 6, 8-10 of Article 65 of this Law. All users shall pay the royalties to the organization for collective management of property rights based on the tariffs established by the above mentioned commission. Appeal against the commission's decision may be submitted to the court, within 2 months, from the date of adoption thereof. Appeal to the court against the commission's decision about relevant tariffs shall not suspend effectiveness of such decision.

7<sup>1</sup>. In the event of appeal against the tariffs established by the commission specified by Paragraph 7, within the term stated therein, before entry of the court decision into the legal force, all users shall pay the royalties to the organization for collective management of the property rights based on the tariffs established by the above commission and after entry of the court decision into the legal force – based on the tariffs set by such decision

8. Where a person makes available the work that was not published or made available to the public after expiry of the copyright term, the property rights specified in Paragraph 2 of this Article to such work shall arise to such person.

9. Restrictions of the property rights specified in Paragraph 2 of this Article shall be as per articles 21-28 of this Law, provided that such restrictions are not preventing normal use of the work and are without unreasonable prejudice to the legal interests of the author or other copyright holders.

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*Law of Georgia of 3 July 2023 No: 3450 – website, 25.07.2023*

#### **Article 19 Property rights to the software and databases**

1. In addition to the rights specified in Article 18 of this Law, the author of the software shall have exclusive right to exercise, permit or prohibit:

a) Reproduction of the software by any means and in any form, whether completely or in part. If such reproduction is required for downloading, demonstration, operation, transmission or storage, the author's consent is necessary;

b) Translation of the software from one programming language to the other, adaptation, systematization or other modification and reproduction of the obtained results, with protection of the rights of a person, who has modified the software;

c) (Omitted)

2. In addition to the rights specified in Article 18 of this Law, the database author shall enjoy exclusive rights to exercise, permit or prohibit:

a) Temporary or permanent reproduction of the database by any means and in any form, entirely or in part;

b) Translation, adaptation, systematization or other modification of the database and reproduction, distribution, public transmission, demonstration or performance of the obtained results;

c) (Omitted).

d) Any transmission, demonstration or performance on public, including dialogue, direct translation.

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## **Article 20 Rights of the author of the visual art work**

1. Author of the visual art work shall be entitled to demand from the owner of the work to allow reproduction of his/her work (right to access). In addition, the owner shall not be required to deliver the work to the author.

2. After the first alienation of an original piece of fine arts, or photographic work, in every single case of public resale of such work (through auctions, arts salon, exhibition of fine arts, shops or other means), the author or his heirs are authorized to get remuneration from the sellers as follows:

a) If sales price is from GEL 500 to GEL 100,000: 4%;

b) If sales price is from GEL 100,000.01 to GEL 400,000: GEL 4000 + 3% of the amount above GEL 100,000.01

c) If sales price is from GEL 400,000.01 to GEL 700,000: GEL 13,000 + 1% of the amount in excess of GEL 400,000.01;

d) If sales price is from GEL 700,000.01 to GEL 1,000,000: GEL 16,000 + 0.5% of the amount in excess of GEL 700,000.01;

e) If sales price is over GEL 1,000,000: GEL 17,500 + 0.25% of the amount in excess of GEL 1,000,000.

3. Collection of the royalties specified in Paragraph 2 of this Article shall be provided via the organization for management of the property rights on the collective basis. Upon request from such organization, the seller of the work of fine arts or photographic work shall provide information about sales. Royalties Specified in Paragraph 2 of this Article (before taxation) shall not exceed GEL 25,000.

4. For the purposes of this Article, the limited number of copies of original works of fine art and photography produced by the author or upon his/her consent, shall be regarded as equal to the original works.

5. The rights specified in Paragraph 2 of this Article shall not be alienated. Under the law and the will, it shall be transferred only to his heirs, for a period of the validity term of the copyright.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

## **Chapter III**

### **Restriction of the property rights**

#### **Article 21. Reproduction of the works by the natural persons for personal use**

1. Natural persons may reproduce a work available to public by lawful publication or communication to the public only for personal use without the consent of author or other copyright holder and without paying the 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. Where 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 specified in paragraph 3 of this Article shall be paid by producers and importers of equipment and material carriers used for reproducing works for personal use. Collection and distribution of these royalties shall be provided only by the organization for collective management of property rights accredited for collective management of the rights specified in this Article.

5. Types of the equipment and carriers used for reproduction for personal use, specified in Paragraph 3 of this Article, relevant amount of the royalties and payment procedures shall be specified by the agreement between the manufacturers and/or importers on one side and organization for collective management of property rights on the other side, in accordance with the rules established by this Law. If the parties fail to achieve agreement, the amount of relevant royalties, procedures of calculation and payment thereof, shall be determined, on the basis of application of one of the parties or both of them, by the decision of commission established by the order of chairman of Sakpatenti, in a manner, provided for by Paragraph 7, Article 18 of this Law and the relevant royalties shall be paid in accordance with the procedures specified in paragraphs 7 and 7<sup>1</sup> of the same article.

6. The royalties specified in Paragraph 3 are distributed between the members/authors of the organization of collective management of property rights, in proportion with the royalties paid by the organization for the year. In calculation of the proportion, the royalties payable on the basis of Paragraph 3 of this Article shall not be taken into consideration.

7. If Sakpatenti has accredited more than one organization of collective management of property rights for any specific right, category of rights or group of the rights' categories, the organization managing property rights on the collective basis accredited for collective management of the rights specified in this Article shall distribute the royalties specified in Paragraph 3 of this Article, with due regard of the procedures established by Paragraph 6 of the same article, to the relevant organization managing property rights on collective basis.

8. Organization managing property rights on the collective basis, specified in Paragraph 3 of this Article, collecting the royalties, shall be entitled to request from the manufacturers, importers and relevant state organizations and institutions, observing confidentiality, the information about manufacturing and production of the equipment and material carriers specified in Paragraph 4 of this Article, required for calculation of the royalties subject to payment. The mentioned information shall include:

- a) Data about manufacturer, types, quantities and cost prices of the manufactured equipment and material carriers – in case manufacturing of the equipment and material carriers;
- b) Data about importers only, as well as types, quantities and customs values of the equipment and material carrier – in case of imported equipment and material carriers.

9. Manufacturers and importers of the relevant equipment and material carriers, as well as relevant state organizations and institutions shall provide, with due observance of confidentiality, provide to the

organization for collective management of the property rights, the information specified in Paragraph 8 of this Article.

10. Government of Georgia establishes the procedures for storage of processing of the information specified in Paragraph 9 of this Article and identifies the relevant state organizations and institutions specified in the same paragraph.

11. In the event of non-compliance if the procedures specified in Paragraph 10 of this Article by the organization for collective management of the property rights, collecting the royalties, specified in Paragraph 3 of the same article, the organization shall be responsible to the relevant subjects, for the damages caused.

12. The royalties shall not be subject to payment with respect of the equipment and material carriers specified in Paragraph 4 that are:

a) Subject of export;

b) Professional equipment not intended for domestic use.

13. The royalties shall not be subject to payment by the natural person, in case of importing of the equipment and material carriers specified in Paragraph 4 of this Article for the personal purposes.

14. Right of reproduction of the works protected by copyright provided for by this law shall not be applicable to the temporary copy.

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

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Decision of the Constitutional Court of Georgia No: 2/1/877 of 25 December 2020, website, 30.12.2020*

*Law of Georgia of 3 July 2023 No: 3450 – GLH I, No: 31, 25.07.2023.*

## **Article 22. Reprographic reproduction of works by libraries, archives and educational institutions**

It is permitted, without the consent of the author or other owner of the copyright, and without payment of the author's remuneration to him, but with mandatory indication of the author's name whose work is used and of the borrowed source, in following cases and in such a volume, which is determined by the set objective, to make reproduction without receiving of direct or indirect profit in following cases:

a) In a single copy of lawfully published work by libraries and archives, for substitution of destroyed, lost, unusable copies and unique, for the purpose of granting copies to other libraries for substitution in their funds of lost, destroyed or unusable works, if acquisition of such copies in normal conditions, through other means, is impossible;

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

c) By educational institutions, of lawfully published separate articles and other small volume works, or excerpts from written works (with the exception of computer programs), for the use of face to face teaching.

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

### **Article 23. Use of the work without consent of the author and without payment of the royalties**

It is permitted, without consent of the author or other owner of the copyrights, and without payment of the author's remuneration, but with obligatory indication of the author's name whose work is used and of the borrowed source, to do the following:

a) To quote from the lawfully published works in original or translation, for scientific, research, polemic, critical and information purposes, to the extent, which is justified for the purposes of quotation, including reproduction of excerpts from newspapers and magazines in the form of printed survey;

b) To use excerpts from the lawfully published works in the form of illustrations, printed matter, radio and television programs, and sound and video tape-recordings having educational nature, in such volume which is determined by the set objective;

c) Reproduction of lawfully published articles about current economic, political, social and religious issues in newspapers, magazines and other periodical publications, or of the analogous works transmitted by air, in cases when such reproduction or public transmission has not been specially prohibited by the author, or by another owner of the copyright;

d) Reproduction or communication to the public of the work seen or heard in the process of reviewing current events, by means of photographic, broadcast or cable transmissions, in such volume which is justified for information purposes.

e) Reproduction or communication to the public of publicly delivered political speeches, reports, lectures, addresses, sermons, and other analogous works, including speeches made at court sessions, through newspaper, magazine, and other periodical editions, in such volume which is constituted for the information purposes. At the same time, the author shall retain the exclusive right to publication of such a work either in the form of separate collections, or a book. f) reproduction of the legally published work with the relief-dotted print, or of other special means for blind people, for not for profit purposes, with the exception of the works, which are specially created for such methods of use. At the same time, the author shall retain the right to publication of such a work in the collection.

f) Reproduction of the legally published work with the relief-dotted print, or of other special means for blind people, for not for profit purposes, with the exception of the works, which are specially created for such methods of use.

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

**Article 23<sup>1</sup> Permitted use of the printed work protected with copyright and related rights for the benefit of individuals with disorder of skills required for reading of the printed works**

**Article 23<sup>1</sup> Permitted use of the printed work protected with copyright and related rights for the benefit of individuals with disorder of skills required for reading of the printed works**

1. Provisions of this Article shall be applicable to the printed works available to the public through legal publication or making publicly available that are legally available to the beneficiaries and authorized persons. For the purposes of this Article, the printed work is available in a form of the text (as both, digital and hard copies) or in audio format, the work protected by the copyright and related rights, symbol and related illustrations.

2. Provisions of this Article shall not be applicable to the available format of the printed work that is included into the local civil turnover commercially. This limitation shall not be applicable to the other available formats of the mentioned printed works. In the event of dispute, the author or other copyright holder shall prove the fact of inclusion of the available format of the printed work into the civil turnover for commercial purposes. Permitted use of the printed work under this Article shall be provided through protection of the lawful interests and rights of the subject with the commercial interest.

3. Beneficiary shall be entitled to obtain available copy of the printed work in the acceptable format without prior consent of the author or other copyright holder and without payment of the royalties, from the local authorized person and an authorized person recognized in the state participant of the international agreements to which Georgia is a party. In addition, the beneficiary and/or his/her legal representative, personal assistant, supporter, caretaker, shall be entitled to reproduce the printed work into the acceptable format for the beneficiary to be able to use such work for the personal purposes. In the process of reproduction under this Paragraph, the beneficiary's legal representative, caretaker, personal assistant can assist the beneficiary.

4. The authorized person shall be entitled, without prior consent of the author or other copyright holder and without payment of the royalties but with necessary reference to the author of the used work and the source, reproduce such work in the accessible format, obtain the copy in this format for the local authorized person and authorized person recognized in the state that is party to the relevant international agreement to which Georgia is a party, provide the printed work protected in their system reproduced in the accessible format, availability by any means (transfer, exchange, distribution) for the local beneficiaries and for the ones in the state participant of the relevant international agreement to which Georgia is a party, as well as for the other local authorized person and the authorized person in the state, participant of the relevant international agreement to which Georgia is a party. All actions under this Paragraph shall be performed for non-commercial purposes and exclusively for the beneficiaries' use.

5. Authorized person shall be entitled to receive remuneration from the other authorized person, for payment of the expenses necessary for performance of the activities specified in this Article, in lieu of services delivered, if this is not against Georgian legislation. Income of the authorized person received in accordance with this Paragraph shall be spent for performance of the activities specified in this Article.

6. Holder of the copyright or related rights shall be entitled to claim compensation of damages, if he/she has suffered damages by the reason of non-compliance with the provisions of this Article. Insignificant damages shall not be taken into consideration.

7. Authorized person shall take relevant measures to ensure:

a) Availability of the printed works reproduced in the accessible format, maintained in their system to the beneficiaries and authorized persons only;

b) Prevention of illegal reproduction of the printed work, illegal availability of the printed work reproduced in the accessible format (transfer, exchange, distribution) and obtaining thereof.

c) Public availability of the information about number of the beneficiaries, contact information of the authorized persons (authorized persons exchanging the printed works reproduced into the accessible format), as well as the works reproduced into the accessible format in their system.

8. Authorized person provides the information specified in subparagraph “c”, Paragraph 7 of this Article, with due protection of the personal data to Sakpatenti, the latter shall collect and post the provided information on its official website. In case of updating of the information, the authorized person provide the updated information within 5 days from the date of emergence of the new circumstances.

Authorized person shall be responsible for validity of the information provided to Sakpatenti. Procedures of providing information to Sakpatenti shall be determined by the order of Sakpatenti chairman.

9. Sakpatenti shall ensure public availability of the list of local authorized persons and their contact data, as well as available list of the authorized persons recognized in the states parties to the international agreements to which Georgia is a party, together with their contact data, in easily accessible and consolidated form, on its official website.

10. Authorized person shall, in case of request from the beneficiary, other authorized person or holder of copyright or related rights, provide the following information:

a) About the printed works reproduced in the acceptable format preserved in their system;

b) About partner authorized persons, their names and contact data.

11. Reproduction of the printed works in the accessible format shall be provided with due respect of the right to inviolability of these works. In addition, changes that are required for creation of the printed work reproduced in the accessible format shall be allowed.

12. Contractual provisions in breach of paragraphs 3 and 4 of this Article shall be void.

13. In exercising the provisions of this Article, the beneficiaries' personal data shall be processed in accordance with the Law of Georgia on Protection of Personal Data. Authorized person shall be entitled, for the purposes of this Article and Article 23<sup>2</sup>, process the personal data of the persons interested in gaining of the beneficiary status, among them, relevant expert report, health certificate and certificate on disability (including the grounds for issuance of the certificate on grating of the status of disability).

*Law of Georgia of 15 December 2023 No: 3966 – website, 25.12.2023*

## **Article 23<sup>2</sup>. Procedures for granting of the status of the beneficiary and status of the authorized person**

1. A person interested in gaining of the beneficiary status shall apply to the authorized person and submit the application on awarding of the status of the beneficiary. Authorized person shall make

decision on awarding of the beneficiary status within 2 weeks from the date of the mentioned application.

2. A person interested in gaining the beneficiary status (his/her legal representative, trustee) shall submit to the authorized person the following documents:

a) Application of a person interested to gain the beneficiary status;

b) Identity documents of the interested person and in case of submission of the application on granting of the status of beneficiary by his/her legal representative or trustee – also, document evidencing legal representation or notarized power of attorney;

c) Relevant expert's report, health certificate and/or certificate on disability and accompanying documents evidencing existence of the circumstances specified in subparagraph "y", Article 4 of this Law.

3. Authorized person shall grant the beneficiary status to a person interested in gaining of the beneficiary status, if the circumstances specified in subparagraph "y", Article 4 of this Law.

4. Beneficiary status shall be valid up to the beneficiary's declaration on termination of this status, his/her decease or elimination of the circumstances that, in accordance with subparagraph "y", Article 4 of this Law, comprised the grounds for granting of the beneficiary status to such person. The beneficiary shall notify about elimination of the grounds for granting of the beneficiary status, while the heir of the beneficiary shall notify about decease of the beneficiary the authorized person, within the reasonable time.

5. Decision on awarding and revocation of the status of authorized person to the institution shall be made by Sakpatenti. Procedures for awarding and revocation of the authorized person status shall be specified by the order of Sakpatenti chairman. Such order shall comply with the requirements specified in this Article.

6. Institution interested in gaining of the status of authorized person shall submit the application requesting award of the authorized person status to Sakpatenti, evidence of membership of the municipalities' library network (in case of mass (public) library unified with the municipalities' library network, charter of the non-entrepreneurial (non-commerce) legal entity (in case of non-entrepreneurial (non-commerce) legal entity) and/or information evidencing compliance of the activities of the institution interested in gaining of the authorized person with the requirements of subparagraph "z", Article 4 of this Law. In case of need, Sakpatenti shall be entitled to request from the institution interested in gaining of the status of authorized person additional documentation / information to consider the application on awarding of the status of the authorized person in more details.

7. Grounds for revocation of the authorized person's status are as follows: a) the authorized person's request to revoke such status; b) deregistration of the organization; c) change of the sphere of the institution's activities; d) non-compliance with the requirements established by this Law on part of the authorized person.

8. Non-compliance with the requirements established by this Law by the authorized person shall not automatically cause revocation of the status of authorized person. Revocation of the authorized person's status on such grounds shall be assumable, if the authorized person has committed gross violation and revocation of the mentioned status is the only way to protect the legitimate interests of the holders of copyright or related rights or the beneficiaries.

9. Decision by Sakpatenti on refusal to grant the status of authorized person or revocation of such status is the individual administrative-legal act. Appeal against such decision shall be made in accordance with the rules established by the Administrative Procedure Code of Georgia.

10. Authorized person, upon revocation of its status as an authorized person, shall transfer the printed works reproduced in the accessible format maintained in their system to the other authorized person of their choice.

*Law of Georgia of 15 December 2023 No: 3966 – website, 25.12.2023.*

#### **Article 24. Use of works permanently located in places which are open for free admission**

It is permitted, without consent of the author, or other owner of the copyright, and without payment of the remuneration to him, to make reproduction or communication to the public of architectural, photographic and art works which are permanently located in places open to free attendance, with the exception of the cases, when the image of the work represents the principal subject of such reproduction or communication to the public, or when the image of the work is used for the profit gaining purposes.

#### **Article 25. Public performance of the musical compositions at the ceremonies**

It is permitted, without consent of the author, or other owner of the copyright, and without payment of the royalties to him/her, to make public performance of the legally issued musical works at official, funeral, and religious ceremonies, in such a volume which is justified by the nature of such ceremony.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### **Article 26. Reproduction of the work for the court purposes.**

It is permitted, without consent of the author, or other copyright holder, and without payment of the royalties to him/her, to make reproduction of works for court procedures, in such volume which is set for such purposes.

#### **Article 27. Recording of the work for short term use by the broadcasting organizations**

Broadcasting organizations are authorized, without consent of the author, or other copyright holders and without payment of the additional remuneration to him, to record for short-term use of the works, for which this organization has received the right to broadcasting, with the observation of the following conditions:

- a) Making of record by the broadcasting organization by means of its own equipment and for its own programs;
- b) Destruction of such record within six months from the date of its making, if a longer period has not been agreed with the author of the recorded work. Such work, without a permission of the author, may be preserved in the official archive, if the record bears exclusively documentary nature.

### **Article 28. Restrictions to rights of the owners of computer programs and databases**

1. A person legally owning a copy of computer program, or database, is authorized, without consent of the author, or other owner of the copyright, and without payment of author's remuneration to him, to do the following:

- a) Make changes to the computer program or database necessary for operation of the user's equipment, in addition, perform any action related to operation of the computer program or database, among them, download and store in the computer memory (for one computer or one user of the network), correct apparent errors, unless otherwise provided by the author's agreement;
- b) Make a back-up copy of a computer program or a database, provided that it is intended for the archive and to replace the legal owner's lost, destroyed or useless copy.

2. A backup copy of the computer program or database shall not be used for the purposes different from the rules contemplated in subparagraph 1 of this Article, and shall be destroyed immediately after the termination of the ownership rights on the computer program.

### **Article 29. Free use of the computer programs (decompilation)**

A person legally owning the computer program copy shall be entitled to, without consent of the author or any other copyright holder and payment of the author's royalties, decompile the computer program (reproduce and translate the objective code into the initial text), as well as instruct other persons to decompile, where this is necessary to achieve interaction between the software created by him/her independently and other software, provided that:

- a) These actions were performed by a person entitled to use the copy of the program or any other person on the former's behalf, with the relevant permit;
- b) Information required for achievement of interaction ability was not available from the other sources to him/her before;
- c) These actions affect the parts of decompiled program that are required for achievement of interaction ability;
- d) Information resulting from decompiling will be used for achievement of ability of interaction between independently created computer program and other software. This information shall not be provided to any other persons or used for development of the new software substantially similar to the decompiled software or performance of such other actions that are in breach of copyright.

### **Article 30. Free use of the databases**

Lawful user of the original database or the copy thereof may perform actions provided for by Article 19 of this Law without consent of the database author or other copyright holder, where this is necessary for entry into database and its normal operation. If the lawful user has the right to use the database part only, the mentioned right shall be applicable to such part only.

## **Chapter IV**

### **Term of copyright effectiveness**

#### **Article 31. Emergence of the copyright and duration of validity thereof**

1. The copyright arises at the moment of creation of the work and it is valid during the entire life of the author and during 70 years from his death, with the exception of the cases, provided for by Article 32 of this Law.
2. Counting of the terms envisaged herein and Article 32 of this Law, starts from January 1-st of the year which follows the year in which the legal fact, being used as the basis for calculation of the indicated term has taken place.

#### **Article 32 Terms of the copyright validity**

1. In the case of anonymous or pseudonymous works the term of protection, is valid during 70 years from the date of legal publication of such a work. If, within the indicated period, the author of the work, published anonymously or under a pseudonym, reveals his identity, or if within that period the pseudonym adopted by the author leaves no doubt as to his identity, then the provisions of Article 31 of this Law shall apply.
2. The copyright to the work created with a co-author is valid during the entire life of the author and during 70 years from the death of the last surviving author.
3. Where a work is published in volumes, parts, instalments, issues, or episodes and the term of protection runs from the time when the work was lawfully made available to the public, the term of protection shall run for each such item separately.
4. Copyright to the works specified in articles 12 and 13 of this Law shall be effective from the date of their legal publication or their making available to the public for 70 years and if the work was not published or made available to public – from the date of creation thereof.
5. The term of protection of the audiovisual works shall expire 70 years after the death of the last of the authors (coauthors) specified in Paragraph 1, Art. 15 of this Law.
- 5<sup>1</sup>. Copyright to the musical work with the text, created in co-authorship shall be valid for the life of each coauthor and for 70 years from the death of the last of them, irrespective of whether the persons specified as the coauthors of the text and musical work are the authors, as a result of whose intellectual-creative activities the musical work was created or not.

6. Copyright of a person who has legally published the work or made it available to the public for the first time (Paragraph 8, Art. 18 of this Law), shall be valid for 25 years, from the date of such fact.

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 23 December 2017 No: 1917, website, 11.01.2018*

### **Article 33. Protection without time limit**

1. The right to authorship, right to name, right to the work inviolability, in relation to the particular work, honor and reputation are protected without any time-limit.

2. After expiration of the term of the copyright, other author is not allowed to use the name (title) of the work on the one of the similar genre, if such use can cause confusion of authors, misleading the society. 3. It is not permitted to publish or make available to the public a work under a pseudonym, which may cause the identification with the work that was previously published or made publicly available, misleading the society.

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

### **Article 34. Use of the copyright with the expired term**

1. The work, with the expired validity term, may be used by any person, without payment of author's royalties. At the same time, the right to authorship, right to name and right to inviolability of the work shall be protected.

This provision shall be applicable to the works that were not protected in the territory of 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 the property rights collective management organization. The amount of fees shall not exceed three percent of the income received as a result of using the work.”

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 3 July 2023 No: 3450 – website, 25.07.2023*

## **Chapter V**

### **Transfer of Copyright**

#### **Article 35. Grounds for copyright transfer**

1. The copyright shall be transferred under Law, or under the inheritance by the will and/or based on the agreement.

2. According to the Law, the legal successor, within the validity period of the copyright, receives the economic rights to the use of the works considered under Article 18 of this Law, unless the contrary is provided by the will.

3. Right to authorship, right to name and right to inviolability of the work shall not be transferred by right of succession. Legatees of the author be entitled to take necessary measures for protection of the indicated personal rights. There is no time-limit on this right of theirs.

4. Unless otherwise determined by the author during his life, of his/her the rights, the right to permit to supplement the work with the ones of the other authors (illustrations, foreword, afterword, comments, explanations, etc.). The said right shall be transferred to the heirs for the term of the copyrights validity

5. The author shall be entitled to indicate the person to be appointed thereby as a defender of the rights specified in Paragraph 3 of this Article. This person shall carry out his obligations until the author's death.

6. Where no successors exist or they improperly exercise the rights stipulated by Paragraph 3 of this Article, these rights shall be protected by the National Intellectual Property Center "Sakpatenti".

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

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

### **Article 36. Transfer of the author's property rights**

The author or other copyright holder may transfer all property rights or any part thereof to the successors.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

### **Article 37. Exclusive license**

1. By the exclusive licensing agreement, the author or other copyright holder grants the exclusive right to use a work in a form and within the scopes defined by the agreement solely to the licensee and shall entitle the licensee to prohibit such use of the work by other persons (including the author).

2. The author shall be entitled to exercise the right to prohibit other parties from the use of the work, if the licensee fails to exercise the protection of that right.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

### **Article 38. Ordinary license**

1. By the ordinary license agreement the author or other copyright holder grants the licensee the right to use the work equally to the persons that have been granted the right to use the same work in the same form.

2. Rights transferred by the authorship agreement shall be regarded as the ordinary right, unless the agreement otherwise provide.

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

#### **Article 39. Use of the work after the exclusive license issuance**

Even in case of issuance of the exclusive license, the author shall maintain the right to use the licensed work only in the event of publication of the complete collection. If, as a result of issuance of the exclusive license, 5 years expired after first publication of the work or making publicly available thereof, in addition, the author is not entitled to use such work independently from the complete collection.

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

#### **Article 40. License agreement**

1. The license agreement shall provide: the exact description of the work to be used (volume, genre, title), the specific ways of the use of the work, the period and territory, within the limits of which the right is transferred; amount of the royalties and/or the rule for defining the royalties for each way of use of the work, the rule and the period of its payment, as well as other conditions which shall be considered essential by the parties.

2. All specific rights to the use of the work, not directly considered by the agreement, belong to the author.

3. Where the license agreement does not provide for the specific way of the use of the work, it shall be regarded that the agreement was concluded for such use of the work that could be deemed necessary for realization of the parties' intentions at a time of making agreement.

4. Where the license agreement does not provide for the term of effectiveness thereof, the agreement may be terminated by the author after expiration of 3 years from the date thereof. The user shall be notified about this in a written form, 6 months prior to the termination of the agreement.

5. Where the license agreement does not provide for the territory of effectiveness thereof, it shall be effective only in the territory of Georgia.

6. The rights granted under the license agreement can be transferred to the other parties, in full or in part, if this is directly provided by the agreement.

7. If the license agreement on reproduction of the work the royalty is a fixed amount, the license agreement shall specify the maximal number of the copies.

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

#### **Article 41.**

(Omitted)

#### **Article 42. Form of the agreement**

The agreement on copyright transfer, the agreement on creation of the work and the license agreement shall be concluded in a written form. An agreement about publication of the work with the periodical publication may be concluded verbally.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### **Article 43. Agreement on creation of the work**

1. According to the agreement on creation of a work, the author undertakes to create a work in accordance to the terms and conditions set forth in the agreement and to transfer it to the client; the client bears the responsibility to accept the work and to pay royalty to the author.

2. The author shall create the work personally, unless the agreement otherwise provide. Involvement of the other person(s) into the creation of the work shall be allowed only with the client's consent.

3. Client shall view the work upon expiry of the term provided for by the agreement and notify the author about approval of the work and/or rejection thereof, on the basis of the terms and conditions of the agreement or necessity of making corrections therein.

4. If the relevant written notification is not given to the author within the term provided for by the agreement, the work shall be deemed as accepted by the client.

5. Procedures for making advance payment to the author, the term thereof and amount of the advance payment shall be provided by the agreement.

6. Provision of the agreement restricting the author's right to create the work on the specified topic or in the specified sphere shall be void.

7. Subject of the agreement shall not be transfer of the rights to the work that can be created by the author in the future.

8. Economic copyright to the work created as a result of order shall belong to the client, unless the agreement otherwise provide.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 4 May 2010 No: 3032 – GLH I, No: 27, 24.05.2010, Art. 184*

#### **Article 44. Obligation of compensation of damages**

A party that has failed to fulfill or fulfilled improperly the obligations to transfer the author's property rights, to create the work or obligations under the license agreement, shall compensate to the other party the damages caused, including lost incomes.

## **Chapter VI**

### **Related rights**

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### **Article 45. Related rights**

1. The protection granted under this Chapter of the rights related to copyright shall not affect protection of the copyright.
2. Related rights shall be exercised through respect of the copyright. None of the provisions of this Chapter shall be interpreted as prejudicing the copyright

#### **Article 46. Subjects of the related rights**

1. Subjects of the related rights are: performers, producers of phonograms or videograms,
2. Producers of phonograms and videograms, as well as broadcasting organizations shall exercise their rights, under this Chapter, within the scope of the authorization obtained under the agreement concluded with the author and performer of the work recorded on the phonogram and videogram, or broadcasted or transmitted by the cable.
3. The performer exercises the rights, envisaged in this Chapter, provided that the author's rights to the performed work is protected.
4. It is not obligatory to observe any formalities for creation and execution of the related rights. The phonogram producers and the performers, for the declaration of their rights, are authorized to use a special sign designated for protection of the related rights, which shall be affixed on each copy of the phonogram and/or on each of its case (box), and consists of three elements: a) the Latin letter P with a circle; b) the name (title) of the owner of the exclusive rights; c) Year of the first issue of the phonogram.

#### **Article 47. The performer's rights**

1. The performers shall have the following personal and property rights to their performance:
  - a) The right to the name;
  - b) The right to the protection of his performance from any distortion, or other inviolability, which may damage the honor and reputation of the performer (right to the respect of reputation);

c) The right to the use of the performance in any form, including the right to receive remuneration for the use of any performance.

2. The exclusive right to the exploitation of the performance means to permit or prohibit the following: a) Recording of the performance, not recorded before;

b) Reproduction of the recorded performance whether directly or indirectly;

c) Transmission of the performance by cable or broadcast, or other communication to the public of the performance, with the exception of the cases, when, there is transmission of the record of the performance made before with the consent of the performer, or of the performance broadcasted before;

d) Transmission of the recorded performance by cable or broadcast, if initially this record has been made not for the purposes of gaining profit;

e) Rental of the original performance recorded in the phonogram or copies thereof, or transfer of the possession in the other form;

f) Distribution of the performance record in the phonogram and/or copies thereof to the public by sale, rental or transfer of ownership in any other form;

g) Transmission of the performance recorded in the phonogram by cable or wireless communication so that to make it available to any individual in the place and time of his/her choice;

3. Permissions considered under Paragraph 2 of this Article shall be granted by the performer, and In the case of the performers' collective - by the head of such collective, on the basis of the written contract concluded with the user.

4. Conclusion of the contract between the performer and the broadcasting organization on transmission of the performance through broadcast or cable, results in transfer of the right to recording of the performance by the performer, or its repeated (further) transmission and reproduction, only in the case, if it is directly considered under the contract concluded between the performer and broadcasting organization. In the case of such use, the amount of the royalties, payable for the performance, shall be set forth by the indicated contract.

5. Conclusion of the contract between the performer and producer of the audiovisual work about creation of the audiovisual work causes transfer of the rights specified in Paragraph 2 of this Article by the performer, unless the contract otherwise provides.

Transfer of such rights by the performer shall be limited to use of the audiovisual work and, unless the contract otherwise provides, does not include the right to use the sound and images fixed I the audiovisual work separately.

6. In Georgia, the performer's right to the distribution of the performance shall be limited to the first sale of the phonogram copies.

7. With respect of the performance created by the performer within the scopes of the job assignment or fulfillment of the employer' assignment, the performer shall have the right to name. Exclusive rights to use of such performance shall belong to a person, with whom the performer has labor relationships, unless otherwise provided by the employment contract.

8. Exclusive rights of the performer under Paragraph 2 of this Article can be transferred to the other parties.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 4 May 2010 No: 3032 – GLH I, No: 27, 24.05.2010, Art. 184*

#### **Article 48. Exclusive rights of the phonogram producers**

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

2. Exclusive right to use the phonogram implies the right to exercise or permit or prohibit:

a) Reproduction of the phonogram, whether directly or indirectly;

b) (Omitted)

c) Rental of the original phonogram or copies thereof or transfer of ownership in any other form;

d) Distribution of phonograms to the public by sale, rental, or by any other form of transfer of ownership

e) Import of the copies of the phonogram for the purposes of distribution, including the copies, made with the consent of the producer of the phonogram;

f) Transmission of the phonogram by wire or wireless means, in such a way that members of the public may access it from a place or at a time individually chosen by them.

3. Exclusive rights of the phonogram producers specified in Paragraph 2 of this Article can be transferred to the other persons.

4. In Georgia, the right of phonogram producer to the distribution of the phonogram shall be limited to the first sale of the phonogram copies.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### **Article 49. Exclusive rights of the videogram producers**

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

2. Exclusive right to use the videogram implies the right to exercise or permit or prohibit:

a) Reproduction of the videogram, whether directly or indirectly;

b) (Omitted)

c) Rental of the original ideogram or copies thereof or transfer of ownership in any other form;

- d) Distribution of original videogram or copies thereof to the public by sale, rental, or by any other form of transfer of ownership;
  - e) Import of the copies of the videogram for the purposes of distribution, including the copies, made with the consent of the producer of the videogram;
  - f) Transmission of the videogram by wire or wireless means, in such a way that members of the public may access it from a place or at a time individually chosen by them.
3. Exclusive rights of the videogram producers specified in Paragraph 2 of this Article can be transferred to the other persons.
4. In Georgia, the right of videogram producer to the distribution of the videogram shall be limited to the first sale of the videogram copies.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### **Article 50. Exclusive rights of the broadcasting organization**

1. A broadcasting organization shall have exclusive rights to use the its shows in any form, including the right to receive the royalties for use of the shows in each form.
2. Exclusive right to use the shows implies the right to exercise or permit or prohibit:
- a) Recording of the show;
  - b) Reproduction of the show record, with the exclusion of cases, where the show was recorded with the consent of the broadcasting organization and reproduction is for the same purposes, for which it was recorded;
  - c) Broadcasting of the show simultaneously by air and retransmission by cable, respectively by the other broadcasting and cable organization;
  - d) Transmission of the show by air or cable;
  - e) Public transmission of the show, where entry is paid;
  - f) Distribution of the show record in public, via sale or other transfer of ownership in the other form;
  - g) Rental of the show record or transfer of ownership in the other form;
  - h) Transmission of the show record via wire and/or wireless communication so that it was accessible for any individual in the place and time of his/her choice.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

## **Article 51. Free use of the subject of related rights**

1. The limitations of related rights provided for in this Law shall not conflict with normal exploitation of a performance, phonogram, videogram, broadcast of a broadcasting organization, and shall not unreasonably prejudice the lawful interests of performers, producers of phonograms or videograms and broadcasting organization.

1. The limitations of related rights provided for in this Law shall not conflict with normal exploitation of a performance, phonogram, videogram, broadcast of a broadcasting organization, and shall not unreasonably prejudice the lawful interests of performers, producers of phonograms or videograms and broadcasting organization.

2. The use of a performance, phonogram, videogram and broadcast of a broadcasting organization and recordings thereof without the consent of the performers, phonogram or videogram producers and broadcasting organizations and without remuneration, shall be permitted in the following cases:

a) In the case of quotations from a performance, phonogram, videogram, broadcast of a broadcasting organization for purposes such as research, polemics, criticism or review, and informatory purposes, only to the extent justified for the purpose of quotation;

b) In the case of use for the sole purpose of illustration of extracts from a performance, phonogram, videogram, broadcast of a broadcasting organization excerpts and illustrations for teaching and scientific research, only to the extent justified by the purpose to be achieved;

c) In the case of short excerpts from a performance, phonogram, videogram, broadcast of a broadcasting organization excerpts and illustrations in reporting current events.

3. The use of a performance, broadcast of a broadcasting organization and records thereof by natural persons, as well as the reproduction of a phonogram or videogram for personal use without the consent of the performer, broadcasting organization, phonogram or videogram producer shall be permitted, reproduction is carried out as prescribed by Article 21 of this Law and subject to payment of remuneration.

4. The right of reproduction of a subject matter protected by related rights prescribed by this Law shall not extend to a temporary copy.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

## **Article 52. Use of the phonograms published for the commercial purposes**

1. The following shall be permitted without the consent of the producer of a phonogram published for commercial purposes and of the performer of the work fixed in a phonogram but subject to payment of equitable remuneration:

a) The public performance of a phonogram;

b) The transmission of a phonogram on the air or retransmission by cable.

2. The collection and distribution of the royalties provided for in paragraph one of this Article shall be carried out by one of the organizations that administer economic rights of performers and phonogram producers on a collective basis, under an agreement made between them.

3. The amount of royalties and payment procedure shall be specified by an agreement concluded between the users of the phonogram, on the one hand, and an organization that administers economic rights of phonogram producers and performers on a collective basis, on the other hand. Where the parties fail to agree, the amount of the royalties and its calculation and payment procedure shall, subject to the request by any party or the parties, be determined by the commission established by the chairman of "Sakpatenti", in a manner provided by Paragraph 7, Article 18 of this Law and the relevant royalties shall be paid in accordance with paragraphs 7 and 7<sup>1</sup> of the same article..

4. Users of the phonogram shall submit to the organizations referred to in paragraph 2 of this Article programs (plans), including the precise information about the volume of phonogram use, as well as other certificates and documents necessary for collection and distribution of the royalties

5. For purposes of this Article, the phonogram that was communicated by wire and wireless means and may be accessed by any person from a place and at a time individually chosen by him/her shall be considered as a phonogram published for commercial purposes.

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

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 23 December 2017 No: 1917 – website, 11.01.2018*

*Law of Georgia of 3 June 2023 No: 3450 – website, 25.07.2023*

### **Article 53. Recording of the performance or show by a broadcasting organization for short-term use**

A broadcasting organization may, without the authorization by the performer, phonogram or videogram producer and broadcasting organization, carry out an ephemeral (short-term) fixation of a performance or broadcast and reproduce it in compliance with the following conditions:

- a) Obtaining of a prior consent to the transmission of a performance or broadcast;
- b) Making and reproduction of the short-term record by means of own facilities and for own broadcasts;
- c) Destruction of the short-term record under the condition specified for short-term recordings of scientific, literary and artistic works.

## Chapter VII

### Rights of the database makers

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### Article 54. Database makers

1. The maker of a database (which does not represent a work), which proves that there has been qualitatively and/or quantitatively substantial investment in either the obtaining, verifying or presenting of the contents of the database, shall enjoy the exclusive right to prevent extraction and/or re-utilization of the whole or substantial part, evaluated qualitatively or quantitatively, of the contents of that database.
2. For purposes of this Chapter, ‘extraction’ shall mean the permanent or temporary transfer of all or a substantial part of the contents of a database to other material carrier by any means or form, and ‘re-utilization’ shall mean any form of making available to the public all or a substantial part of the contents of a database part by the distribution of copies. The first sale of a copy of a database in Georgia by the rightsholder or with his consent shall exhaust the right to control resale of that copy within the territory of Georgia.
3. The repeated and systematic extraction and/or re-utilization of substantial parts of the contents of the database implying acts which conflict with a normal exploitation of that database or which unreasonably prejudice the legitimate interests of the maker of the database shall not be permitted.
4. The rights of the maker of a database referred to in paragraph one of this Article may be transferred, assigned or granted by an agreement.
5. The rights provided for paragraph one of this Article shall apply to works, objects of related rights and other data included in a database are protected irrespective of their content. Protection of databases under the right provided for in paragraph one of this Article shall be without prejudice to the copyright or other rights existing in respect of their contents.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### Article 54<sup>1</sup>. Depositing of a database

1. The maker of a database may deposit the original or a copy of a database with "Sakpatenti". A certificate issued by "Sakpatenti" as a result of the deposit certifies the fact of deposit of the database only and does not commence copyright rights.
2. Upon deposit of the original or a copy of a database with "Sakpatenti", the depositor shall comply with the copyright or other rights related to the database.
3. The depositor shall be responsible for the accuracy and reliability of the documents deposited with "Sakpatenti".
4. If an application for depositing a database is submitted to "Sakpatenti" by the author's heir, successor in title, or other rightsholder, the application shall be appended with a document certifying the applicant's succession or ownership of the copyright.

5. Upon deposit of a database with "Sakpatenti" through a representative, the application shall be supplemented with a document certifying the representative's authority as well.

6. Information related to a database deposited with "Sakpatenti" in accordance with this Article may be made available to the public upon the request of the database maker.

7. Deposition of a database shall be subject to a fee, which shall be determined by the decree of the Government of Georgia.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 4 May 2010 No: 3032 – GLH No: 27, 24.05.2010, Art. 184*

### **Article 55. Rights and obligations of the lawful user of a database**

1. The maker of a database which is published or made available to the public may not prevent a lawful user of the database from extracting and/or re-utilizing insubstantial parts of its contents, evaluated qualitatively and/or quantitatively, for any purpose whatsoever. Where the lawful user is authorized to extract and/or re-utilize only part of the database, this paragraph shall apply only to that part.

2. A lawful user of a database which is published or made available to the public in whatever manner may not perform acts which prejudice the legitimate interests of the maker of the database.

3. A lawful user of a database which is made available to the public may not infringe rights of owner of copyright and related rights contained in the database.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

### **Article 56. Limitation of the rights of database maker**

A lawful user of a database may, without the authorization of its maker:

a) Extract for private purposes a substantial part of the contents of a non-electronic database;

b) Extract for the purposes of illustration for teaching or scientific research a substantial part of the contents of a database contents, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved;

c) Extract and/or re-utilize a substantial part of the contents of a database for the purposes of public security or an administrative or court procedure.

## Chapter VIII

### Terms of protection of the related rights and the rights of database makers

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### Article 57. Terms of effectiveness of the related rights

1. The rights of performers specified by Article 47 of this Law shall be effective for 50 years from the date of the first performance. If, within this term, the record of performance (with the exclusion of the performance recorded in a form of phonogram) has lawfully become available to the public through publication or public transmission, this right shall be effective for 50 years, from the earliest of the above mentioned facts and if, within this term, performance recorded in a form of phonogram became available to the public through publication or public transmission, this right shall be effective for 70 years, from the date of one of the earliest between these facts.

2. The rights of performers to be named and to respect of reputation shall be protected without limitation. These rights shall not be handed down. Protection of a performer's personal rights after his/her death shall be carried out as prescribed for the protection of personal rights of authors of scientific, literary and artistic works.

3. The right of producers of phonograms or videograms provided for in Articles 48 and 49 of this Law shall be effective for 50 years after the first record is made. If, within this term, the phonogram or videogram became available to the public through publication or public transmission, this right shall be effective for 70 years, from the date of one of the earliest between the above mentioned facts.

3<sup>1</sup>. If the phonogram producer, for 50 years, from the date of lawful publication or public transmission, does not issue the sufficient quantity of the phonogram copies or does not make them available to the public, the performer shall be entitled to terminate the agreement, under which he/she has transferred the rights to his/her performance record to the phonogram producer.

4. The exclusive rights of a broadcasting organization as provided in Article 50 of this Law shall expire 50 years after the first transmission a broadcast of such an organization by cable or wireless communication (including cable or satellite communication).

5. The right of a database maker provided for in Article 54 of this Law shall expire 15 years from the date of making of the database. If the database is lawfully published or made available to the public during this period, 15 years shall be calculated from the first occurrence of one of the said events, whichever occurs first.

6. Any change, evaluated qualitatively and/or quantitatively, to the contents of a database as provided for in Article 54 of this Law, including any substantial change resulting from the accumulation of successive additions, deletions or alterations, which would result in the database being considered to be a substantial new investment, evaluated qualitatively and/or quantitatively, shall qualify the database resulting from that investment for its own term protection.

7. Calculation of the term provided for in this Article shall start from the first of January of the year following the year in which the legal act took place giving rise to the calculation of the said term.

8. The rights specified in this Chapter, shall, upon effectiveness of the terms indicated in paragraphs 1 through 5 of this Article, be handed down to successors of the performer, phonogram or videogram

producer, broadcasting organization and the maker of a database, and in the case of a legal person - to their successors in title.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 23 December 2017 No: 1917 – website, 11.01.2018*

## **Chapter IX**

### **Protection of the copyright and related rights of the database makers**

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### **Article 58. Infringement of the copyright, related rights and the rights of the database makers**

1. Infringement of copyright, related rights and the rights of makers of databases provided for in this Law shall entail civil, criminal and administrative responsibility.

2. Any natural or legal person not complying with the requirements of this Law shall be deemed to be an infringer of copyright, related rights and the rights of makers of databases.

3. The following shall also be deemed to be an infringement of copyright, related rights and the rights of makers of databases:

a) The unauthorized use of a work, performance, phonogram, videogram, broadcast of a broadcasting organization and of a database;

b) The alteration or removal of any electronic right-management information without the rightsholder's authorization;

c) If a work, subject of a related right or a database became available to the public (by making available to the public, distribution, rental or other transfer of ownership of copies thereof), by a person knowing, or having reasonable grounds to know, that the right-management information was altered or deleted without the rightsholder's authorization;

d) The circumvention of technological measures;

e) The manufacture, import, distribution, sale, rental, or advertising for sale or rental of any technology, device or its components which:

e.a) Are put into circulation for the purpose of circumvention of technological measures;

e.b) Have only a limited commercially significant purpose or use other than to circumvent; or

e.c) Were initially designed, produced or performed for the purpose of enabling or facilitating the circumvention of any effective technological measures;

f) The offering and rendering of services aimed at neutralizing technological measures by using a technology, device or its components.

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

### **Article 59. Protection of the copyright, related rights and the rights of the database makers**

1. Owner of copyright, related rights and database maker's rights shall be entitled to claim from the infringer:

a) The recognition of their rights;

b) The restoration of the status prior to the infringement and termination of the acts infringing their rights or creating a risk of their infringement;

c) Seizure of the copies of works, phonograms, videograms or databases that were deemed as counterfeit ones, as well as the materials, equipment and components of the equipment required for their illegal reproduction or circumvention of the technological measures. Counterfeit copies of the works, phonograms, videograms or databases can be delivered to the rightsholder, upon his/her request.

d) The compensations for the damages (including lost incomes), if the person in breach knew or should reasonably know about infringement of the copyright, related rights or the rights of database makers;

e) The confiscation of income gained by the infringer of the copyright, related rights or the rights of the database maker, as a result of infringing their rights, instead of the compensation of damages for the claimant's benefit;

f) Instead of compensation of the caused damages and confiscation of the gained income, payment of the one-time compensation in accordance with the procedures provided for by Paragraph 8 of this Article;

g) Taking of the other measures related to the protection of their rights prescribed by the legislation of Georgia.

2. The measures provided for in subparagraphs (d) through (f) of paragraph one of this Article shall be applied at discretion of the rightsholder.

3. Counterfeit copies of the works, phonograms, videograms or databases specified in subparagraph "c" of paragraph 1 of this Article that were not requested by the rightsholder, as well as the materials, equipment or components of equipment required for their reproduction or circumvention of the technological measures shall be destructed in accordance with the court decision.

4. In case provided for by Subparagraph "c", Paragraph 1 of this Article, the counterfeit copies of the works, phonograms, videograms or databases legitimately acquired by the third party shall not be subject to confiscation, with the exclusion of cases, where the counterfeit copies were acquired for the commercial purposes.

5. If the court decision establishes that the copies of the works, phonograms, videograms or databases are counterfeit, the actions specified in Subparagraph "b", Paragraph 1 of this Article can be applied to the

person who knew or should reasonably know that his/her services are or were used for infringement of the exclusive rights at the commercial scale.

6. In determining the scopes of damages, the substance of infringement of the right, income gained as a result of infringement of the exclusive rights, property and non-property damages caused to the rightsholder, as well as the proposed income that the rightsholder would gain from legitimate use of the work, object of the related rights or database, shall be taken into consideration.

7. In determining the amount of the one-time monetary compensation, there shall be taken into account the severity of infringement of the right, number of the counterfeited copies, intentions of the infringer and/or any other circumstances that can be taken into consideration.

8. Before submission of the claim, the rightsholder shall apply to the infringer with the request of payment of one-time monetary compensation and the infringer shall be entitled to pay, within 2 weeks, from the date of the rightsholder's request of the one-time monetary compensation, the amount no less than 10 percent of the monetary remuneration receivable by the rightsholder in case of lawful exercising of the infringed rights. If the infringer fails to pay one-time monetary compensation in the above amount, to the rightsholder, within 2 weeks, the rightsholder shall be entitled to commence the dispute, in a manner provided for by Georgian legislation and claim one-time monetary compensation that shall be no less than ten times monetary remuneration receivable by the rightsholder in case of legitimate use of the infringed right.

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 23 December 2017 No: 1917 – website, 11.01.2018*

*Law of Georgia of 16 December 2022 No: 2442 – website, 27.12.2022.*

## **Article 60. Counterfeit copies**

1. Copies of a work, phonogram, videogram or database, the manufacture, distribution, rental or other use of which results in an infringement of the copyright, related rights or the rights of makers of databases, shall be deemed as the counterfeit copies.

2. As counterfeit copy shall also be deemed copies of the work, phonogram, videogram or database, which are protected in Georgia under this Law and which are imported without the authorization of the rightsholders to Georgia from the state where they have never been protected or where their protection has been terminated.

3. (Omitted – 23.12.2017, No: 1917)

4. (Omitted – 23.12.2017, No: 1917)

5. (Omitted – 23.12.2017, No: 1917)

*Law of Georgia of 3 June 2005 No: 1585 – GLHI, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 23 December 2017 No: 1917 – website, 11.01.2018*

## **Article 61.**

(Omitted)

## **Article 62. State policies in the sphere of copyright and related rights**

1. The National Intellectual Property Center "Sakpatenti" shall ensure implementation of the state policy and the exercise of other functions entitled by law in the field of copyright and related rights. Its status and competence shall be determined by the Georgian legislation and on the basis of respective regulations.

2. The National Intellectual Property Center "Sakpatenti" shall be authorized:

a) To ensure the conduct of state policy in scope of the law on copyright and related rights and submit to the proposals for its development to the Prime Minister of Georgia;

b) To represent Georgia at international organizations of intellectual property protection;

c) To carry out deposit of works and databases as prescribed by this Law;

c<sup>1</sup>) Establish the procedures of depositing of the works and databases;

d) To request information related to management of economic rights from the organizations for management of the property rights on the collective basis;

e) To participate, through its representative and with the consultative vote, in general meetings of a collective management organization and its supervisory board's sessions, and in case the organization fails to comply with the requirements of the national law and of its articles of association, fails to ensure the effective management of economic rights of local and foreign rightsholders, as well as violates in the course of the exercise of the said rights the legitimate interests of users, to raise up the respective matters at general meetings of the members of the organization.

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

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 25 September 2013 No: 1328 – website, 08.10.2013*

*Law of Georgia of 3 July 2023 No: 3450 – website, 25.07.2023*

## **Chapter X**

### **Management of Property Rights on a Collective Basis**

#### **Article 63. Establishing a collective management organization**

1. Authors of scientific, literary and artistic works, performers, producers of phonograms and videograms, as well as of other holders of copyright and related rights (hereinafter referred to as the Rightsholders), for

the purpose of collective management of their property rights, may establish the organization for collective management of the property rights,

2. A collective management organization is a non-entrepreneurial (non-profit) legal entity provided by Civil Code of Georgia, accredited by Sakpatenti, for the purpose of collective management of the property rights of the authors, other copyright holders and subjects of the related rights in a manner, provided for by this Law.

3. Management of the property rights with respect of any specific right or category of rights shall be performed only by one organization for collective management of property rights,

4. Organization for collective management of the property rights performs its activities in accordance with this Law and other legislative and subordinated normative acts of Georgia, on the basis of its charter and within the scopes of the authorities granted by the rightsholder (with the exclusion of cases provided for by this Law).

5. A rightsholder, transferring his/her property rights for collective management to the organization collectively managing property rights on the basis of the agreement, transfers to the same organization the rights to all works already created and/or will be created in term of effectiveness of the mentioned agreement, unless otherwise provided for by the agreement.

6. No firm name of the legal entity, with the exclusion of the organization for collective management of the property rights accredited in accordance with this Law contained the words: “organization for collective management of the property rights” or any other sequence of these words.

7. The procedures of maintenance of the registry of the organizations collectively managing the property rights shall be approved by the order of the chairman of Sakpatenti.

#### **Article 64. Accreditation**

1. For the property rights’ management on the collective basis, the organization, for accreditation, shall submit to Sakpatenti the accreditation application evidencing that:

a) Organization represents the rightsholders and, at the same time, any rightsholder may join it, in accordance with the organization charter; to evidence the above, the organization shall submit the written agreements made with the rightsholders, together with the list of rightsholders, including the repertoires of the objects protected with the copyright and related rights, in electronic or material form;

b) Organization may collectively manage the property rights, among them, it has relevant personnel, material-technological basis required for collection of the royalties, effective mechanisms (including software) for collection, distribution and payment of the royalties;

c) Organization’s charter, internal regulations and procedures and principles for tariffs distribution guarantee equal and non-discriminatory treatment of both, the rightsholders and users;

d) Organization has paid the fees for consideration of accreditation application;

e) Organization is not registered with the debtors’ registry and it is not seized;

f) Organization's charter and other regulations correspond to this Law and other legislative and subordinated normative acts of Georgia.

2. Accreditation application submitted in accordance with Paragraph 1 of this Article shall be accompanied with the mutual representation agreements with the most of the similar foreign organizations, whose repertoire substantially cover significant part of the works and/or other objects used in Georgia and protected by this Law, as well as mutual representation agreements concluded with the most of the similar organizations of the foreign countries, whose repertoire substantially cover significant part of Georgian works and/or other objects protected by this law, used in the foreign countries. These mutual representation agreements shall include the repertoire of the objects protected by copyright and related rights, in electronic or material form.

3. If, at a time of submission of the application specified in Paragraph 1 of this Article, the agreements on mutual representation cannot be properly submitted, in case of grounded request of the applicant, or on the basis of Article 65 of this Law, commission for accreditation of the organization for collective management of property rights, established by the order of chairman of Sakpatenti (hereinafter referred to as Accreditation Commission) shall be entitled to make decision on extension of the term of submission of the mentioned mutual representation agreements.

4. In the case specified in Paragraph 3 of this Article, accreditation commission accredits the organization for collective management of the property rights and provides 1-year term for proper submission of mutual representation agreements and such term, by the decision of the grounded decision of accreditation commission, may be further extended for further 1-year term. In the event of non-fulfillment of this condition, decision on accreditation is declared invalid and Sakpatenti makes decision on announcement of the new competition.

5. In the event of submission of applications on accreditation by more than one organization, with respect of the same rights, category of rights or groups of the rights' categories to Sakpatenti, decision is made for the in favor if the applicant, most closely complying with accreditation terms and conditions. In the event of participation of the organization operating in the relevant sphere in the past in the competition, accreditation commission will take into consideration its past activities and experience.

6. Procedures for establishment and operation of accreditation commission, procedures of competition for accreditation, fees for consideration of accreditation application, as well as procedures of operation of the commission provided by Paragraph 7 of Article 18 of this Law shall be determined by the resolution of the government of Georgia.

7. In the accreditation application specified in Paragraph 1 of this Article, the applicant shall specify the list of rights, category of rights or groups of the rights' categories, collective management of which it desires. If accreditation commission, after consideration of the documents, makes conclusion that the applicant complies with the accreditation conditions, with respect of the part of the rights, category of rights or groups of the rights categories, accreditation commission, with the applicant's consent, may make decision to accredit the organization for the relevant rights, category of rights or groups of the rights' categories.

8. Granting of authority of collection and distribution of the royalties specified in Paragraph 3, article 21 and Paragraph 3, Article 51 of this Law, may be requested only at a time of submission of application on accreditation with respect of the right, category of rights or groups of the rights' categories to Sakpatenti. If more than one applicant requests granting of authority of collection and distribution of the honoraria, the decision shall be made in favor of the applicant that most closely complies with the accreditation conditions, their past activities and experience will be taken into consideration as well.

9. Decision on accreditation shall be published with official bulletin of Sakpatenti.

10. Applicant is not accredited, if he/she does not comply with the requirements established by this Law. Appeal against the decision on accreditation may be submitted to the court, in accordance with the rules established by the law, within 1 month term from the date of official familiarization. Appeal against the decision of accreditation shall not suspend its effectiveness.

11. Accredited organization shall, within 14 day term, from the date of official familiarization with the decision on accreditation, in a manner, provided for by Georgian legislation, apply to the Legal Entity of Public Law, National Agency of Public Registry, under the Ministry of Justice of Georgia (hereinafter referred to as the National Agency of Public Registry) and ensure compliance of its firm name with the requirements of Paragraph 6, Article 63 of this Law.

12. If the organization fails to fulfil the obligation specified in Paragraph 11 of this Article, Sakpatenti shall be entitled to apply to the National Agency of Public Registry, at its incentive and request change of the organization's firm name.

13. Sakpatenti shall be entitled to request at any time the report on compliance with the obligations provided for by this Law, from the organization managing property rights on the collective basis.

14. In the event of termination of accreditation of the organization for collective management of the property rights, Sakpatenti shall announce new competition for accreditation for the same right, category of rights or groups of the rights' categories, no later than within 1 month, from the date of accreditation termination.

#### **Article 65. Accreditation commission**

1. In the event of submission of the application on accreditation, with respect of the relevant right, category of rights or groups of the rights' categories to Sakpatenti, Sakpatenti shall arrange the competition. Awardee of the competition shall, at least, comply with the mandatory criteria established by Georgian legislation for the organizations for management of the property rights on the collective basis.

2. Accreditation of the organization for collective management of the property rights, with respect of the relevant right, category of rights or groups of the rights' categories shall be provided by the accreditation commission, according to the procedures provided for by this Law.

3. With respect of the rights, category of rights or groups of the rights' categories, for collective management of which no organization is accredited, on the basis of written application of the authors and/or other rightsholders, Sakpatenti shall announce accreditation competition, within 2-month term from the date of submission of such application.

4. Accreditation commission shall be established by the order of chairman of Sakpatenti, after announcement of accreditation, no later than within 15 days from the date of submission of the first application.

5. Accreditation commission shall include the chairman of Sakpatenti (chairman of accreditation commission), 2 members of the Parliament of Georgia, selected in accordance with the procedures provided by the Regulations of the Parliament of Georgia, representative of the Ministry of Economics and Sustainable Development of Georgia, representative of the Ministry of Education and Science of Georgia,

representative of the Ministry of Culture, Sport and Youth Affairs of Georgia and head of administration of the government of Georgia.

6. Accreditation commission shall be entitled to invite the independent expert with or without voting rights, at its incentive or on the basis of grounded request of the parties, at any stage of consideration, for decision-making.

7. Within 1-month term, from the date of receiving of application on participation in accreditation competition, the commission reviews compliance of the applicant with the accreditation requirements provided by Article 64 of this Law. Accreditation commission shall be entitled to request additionally, on the basis of the grounded decision, submission of such documents or information that is necessary to assess, whether the applicant complies with the accreditation requirements established by this Law.

8. Upon expiry of the term specified in Paragraph 7 of this Article, accreditation commission, by the majority of votes, makes decision on accreditation or refusal thereof.

9. Accreditation commission has the secretariat, composition of which, from the number of Sakpatenti employees, shall be selected by the chairman of Sakpatenti.

10. Organizational-technical support of the activities of accreditation commission shall be provided by accreditation commission secretariat.

#### **Article 66. Functions, rights and obligations of the organization for management of the property rights on the collective basis**

1. Organization for collective management of the property rights, on behalf of the rightsholders and within the authorities granted, on the basis of this Law:

a) Conducts negotiations with the users about amount of the royalties and terms and conditions of use of the work and/or other object protected by this Law;

b) Issues to the users the licenses for use of the works and/or other objects protected by this Law, within the scopes of its rights' management mandate;

c) Collects the royalties, on the basis of the licenses issued in accordance with Sub-paragraph "b" of this Paragraph or use of the rights subject to management by such organization;

d) Distributes and pays the collected royalties to the rightsholders in a timely manner, with due regard of the principle of equality, also in proportion with actual use of the relevant works and/or other objects protected by this Law;

e) Represents the interests of the rightsholders, whose rights are managed, before the court and administrative bodies, also performs all legal actions that are required for protection and exercising of the rightsholders' rights;

f) In correspondence with the rights granted by the rightsholders to it, performs any other activities permitted by the charter of the organization for collective management of the property rights and Georgian legislation;

g) Represents the rightsholders, non-members of the organization for collective management of the property rights and collects the royalties intended for them (among them, in case of reproduction, public performance and/or public transmission of musical compositions with and without text) in a manner provided for by this Law.

2. Organization for collective management of the property rights shall be entitled to request from the user and the user shall provide the program, information, document or source providing accurate information about use of the work and/or other object protected by this Law and required for calculation, collection and distribution of the royalties. This organization, in turn, shall keep confidential the information provided to it.

3. Organization for collective management of the property rights shall be entitled to offer, free of charge, to the user the software required for calculation, collection and distribution of the royalties. In such case, the user shall use such software and the organization for collective management of the property rights shall ensure suitable conditions for proper operation of the software.

4. Organization for collective management of the property rights shall perform its activities in the best interests of the rightsholders represented by such organization.

5. All works and/or other objects protected by this Law that are performed in public, broadcasted by air, cable or made available to public in any other way, also, included into the show, phonogram and videogram are included into the repertoire of the relevant organization for collective management of the property rights. In such case, the burden of proof shall be borne by the user. Provisions of this Paragraph shall not be applicable to the cinematographic works and other works formed by the means similar to cinematography.

6. To ensure legal protection of the works and other objects protected by this Law, as well as the rightsholders, related to the use without permit or non-payment of the royalties, by the organization for collective management of the property rights, identification of small part of the composition is sufficient and no use of the detailed list is required.

7. If the work and/or other object protected by this Law is publicly performed, responsibility for lawful use of the work and/or other object protected by this Law is determined by the written agreement made between the user, organizer of public performance and a person possessing the place or the building (arena, stage, hall etc.), where public performance takes place. In the event of absence of such agreement, the persons specified in this Paragraph shall bear responsibility jointly and severally.

8. Organization for collective management of the property rights, within the scopes of the authorities granted to it by the rightsholders (with the exclusion of cases provided for by Chapter III of this Law) shall be entitled to issue ordinary license for use of the work and/or other object protected by this Law from its repertoire, for non-commercial purposes, reproduction, dissemination, public performance and public transmission, as well as making publicly available to the institutions managing the cultural heritage (libraries, educational institutions, museums, archives and/or publicly available institutions in cinematography and audio heritage, as well as institutions of similar type of public interest), if:

a) Organization for collective management of the property rights, based on its authorities, properly represents the rightsholders, in relation with the works and/or other objects protected by this Law and other objects specified by the license;

b) Approach to the rightsholders is equal, in relation with the license terms and conditions.

9. Any rightsholder shall be entitled to withdraw his/her work and/or object protected by this Law, from the mechanism of licensing, specified in Paragraph 8 of this Article and/or from the application on the exclusion and restriction, related to the works and/or other objects protected by this Law from the repertoire of the organization for collective management of the property rights intended for use for non-commercial purpose by the institutions of cultural heritage. The mentioned right shall be applicable to complete withdrawal from the licensing mechanism and/or exclusion and restriction application, as well as each individual case, among them, after signature of the license or commencement of the use of the work and/or other object protected by this Law in compliance therewith.

10. Organization for collective management of the property rights shall take care about support of the sphere of the copyright and related rights and improvement of public awareness about the issues related to the sphere of its activities.

11. Organization for collective management of the property rights shall ensure submission of the mutual representation agreements specified in Paragraph 2, Article 64 of this Law to Sakpatenti.

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#### **Article 66<sup>1</sup>. Special deductions**

1. Maximal amount of the rights management fee shall not exceed 20 percent of the royalties collected by the organization for collective management of the property rights. Organization for collective management of the property rights shall distribute any amounts beyond the reasonable and evidenced expenses made for management of the rights, except for the amount specified in Paragraph 2 of this Article, distribute to the rightsholders, even if the expenses made for management of the rights are less than 20 percent of the collected royalties.

2. Part of the royalties collected by the organization for collective management of the property rights can also be used for the operation of the organization's funds intended for providing creative and social needs of the rightsholders, in whose interests the organization acts. Special deducted provided for by this Article shall be used in a manner provided for by the charter of the organization for collective management of the property rights.

3. Organization for collective management of the property rights shall provide to the rightsholders the information about the deduction of the fees for the rights' management and other special deductions from the royalties collected for him/her before obtaining of the permit for the rights' management from him/her/

4. Fees for the rights management and other special deductions shall correspond to the services provided by the organization for collective management of the property rights to the rightsholders, among them, where possible, including services specified in Paragraph 5 of this Article, on the basis of the objective criteria.

5. Special deductions for the social, cultural or education activities shall be used by the organization for collective management of the property rights in a manner provided for by the organization's charter.

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## **Article 66<sup>2</sup>. Procedures of collection and distribution of the royalties**

1. Organization for collective management of the property rights shall distribute entire income obtained from its activities regularly, diligently and as precisely as possible, to the rightsholders, whose rights are managed.
2. Organization for collective management of the property rights shall have separate accounts:
  - a) For the royalties related to the management of rights;
  - b) Revenues from management of its properties or other activities permitted by the law;
  - c) For the royalties that were not distributed to the rightsholders due to impossibility of their identification and/or who were not found;
3. Key principles and regulations of the royalties' distribution shall be specified by the charter of the organization for collective management of the property rights so that to ensure proportionate, non-discriminatory proper and fair distribution of the royalties, also, prevent any opportunity to exercise the mentioned right against the established rules.
4. Organization for collective management of the property rights shall pay the collected royalties to the rightsholders no later than within 9 months from the end of the financial year when the royalties were collected, with the exclusion of cases, where there are the objective reasons of related to the user's reporting, identification of the rightsholders, the organization for collective management of the property rights shall clarify with the rightsholders the information about the work and/or other objects protected by the law or there are any other objective circumstances, by the reason of which the established term could not be complied with.
5. If, by the reason of impossibility of the rightsholders' identification or impossibility of their finding, payment of the royalties to the rightsholders is impossible within the term established by Paragraph 4 of this Article, the exclusion from this term is not applied and the collected amounts shall be deposited to the separate account of the organization for collective management of the property rights.
6. Organization for collective management of the property rights shall take all required measures for identification and finding of the rightsholders. In particular, no later than within 3 months, from the date of expiry of the term specified in Paragraph 4 of this Article, this organization, through its website, make publicly available the information about the work and/or other objects protected by this Law, one or more rightsholder of which is not identified.
7. Information specified in Paragraph 6 of this Article, if possible, shall contain the following:
  - a) Name (title) of the work and/or other objects protected by this Law;
  - b) Name of the rightsholder;
  - c) Name of the relevant publisher or manufacturer;
  - d) Users' category, in particular, the category, where the work and/or other object protected by this Law was used;
  - e) Any other information that can be useful for identification or search of the rightsholder.

8. Together with performing of the actions specified in Paragraph 6 of this Article organization for collective management of the property rights shall also inspect the other available records provided for by Paragraph 2, Article 66 of this Law.

9. Royalty that could not be distributed for 3 years from the end of the year of collection, acquires the status of undistributed royalty.

10. Organization for collective management of the property rights shall fully distribute the incomes from management of the rights to the rightsholders, with due consideration of the exclusions provided for by this Law.

11. Head of the organization for collective management of the property rights shall inform the members, at the general meeting of the members of organization for collective management of the property rights, about the undistributed royalties, among them, their amount and origination. General meeting of the members of organization for collective management of the property rights, in accordance with Subparagraph “b”, Paragraph 4, Article 66<sup>13</sup> of this Law, makes decision on use of the undistributed royalties, without prejudice of the rightsholder’s right to claim compensation of these amounts. Organization for collective management of the property rights shall be entitled to make decision on use of undistributed royalties in each specific case, regarding the needs of this organization, also, by the decision of general meeting of the organization members the general regulations for disposal of undistributed royalties may be established.

12. Organization for collective management of the property rights shall be entitled to transfer the amounts from undistributed royalties to the special funds established by the same organization, on the basis of the decision made by the majority of attending members at general meeting of organization members. Information about the amounts transferred to the funds shall be transparent and it shall be published on the website of the organization for collective management of the property rights every year.

13. Organization for collective management of the property rights shall distribute and pay the royalties after deduction of the amounts specified in Paragraph 10 of this Article, in proportion with actual use of the work and/or other objects protected by this Law.

14. Organization for collective management of the property rights shall, together with payment of the royalties to the rightsholders, submit to them the reports containing information about use of their rights.

15. Organization for collective management of the property rights shall be entitled to dispose the royalties not distributed/requested for 3 years. This term shall be counted from the end of the financial year, in which such royalties were collected. The mentioned royalties may be added to the amount of the royalties subject to distribution to the rightsholders or used for the benefit of the rightsholders, among them, transferred to the funds specified in Paragraph 12 of this Article. Decision on choice of the relevant form of the royalties’ use shall be made by general meeting of the members of organization for collective management of the property rights, by the majority of attending members.

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### **Article 66<sup>3</sup>. Payments related to the mutual representation agreements**

Organization for collective management of the property rights shall distribute and pay to the similar organizations of the foreign countries the royalties, no later than within 9 months from the end of the financial year, when the royalties were collected, with the exclusion of cases, where there are the objective reasons of related to the user’s reporting, identification of the rightsholders, the organization for collective management of the property rights shall clarify with the rightsholders the information about the work and/or

other objects protected by the law or there are any other objective circumstances, by the reason of which the established term could not be complied with.

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#### **Article 66<sup>4</sup>. Rightsholder's guarantees in relation to the organization for collective management of the property rights**

1. Rightsholder shall be entitled to transfer its rights or specific category of rights for management to the organization for collective management of the property rights. The mentioned organization, in turn, shall provide management of the right, specific category of rights or type of the work and/or other object protected by this Law, if they correspond to the scopes of its activities, with the exclusion of cases, where such organization, on the basis of objectively grounded reason, refuses to manage the rights. Grounds for refusal to manage the right in accordance with this Article by the organization collectively managing the property rights shall be specified in the charter of the same organization.
2. Organization for collective management of the property rights shall be entitled to issue the license for non-commercial use of any right, specific category of rights, desired work and/or other object protected by this Law, in case of prior consent of the relevant rightsholder.
3. Rightsholder shall be entitled to terminate agreement on transfer of the relevant rights for management in accordance with Paragraph 1 of this Article, completely, or within the desired scopes, also, the rightsholder (including the rightsholder, non-member of the organization for collective management of the property rights) shall be entitled to revoke any right, specific category of rights or groups of the rights' categories transferred to the organization that are related to the work and/or other type of object protected by this Law (with the exclusion of the rights provided for by Paragraph 2, Article 15, Paragraph 7, Article 18 (in case of cable re-transmission of the work), Paragraph 3, Article 20, Paragraph 3, Article 21, Paragraph 2, Article 34, Paragraph 3, Article 51 and Paragraph 2, Article 52), no less than within 6-month term, from the date of written notification to the organization for collective management of the property rights. Organization for collective management of the property rights shall be entitled to establish that the termination or abandoning of the agreement or revocation of any right, specific category of rights or groups of the rights' categories as per this Paragraph, entered into force upon completion of the current calendar year. The rightsholder's request of termination of the rights transferred in accordance with Paragraph 1 of this Article shall be submitted to the mentioned organization 6 months before beginning of the following calendar year.
4. Rightsholder maintains the right to claim the royalties collected by the organization for collective management of the property rights on his/her behalf, before termination of the issued permit or license or submission of such claim/
5. In exercising the authorities provided for by paragraphs 3 and 4 of this article, the organization for collective management of the property rights shall not be entitled to restrict the rightsholder's right to transfer his/her property rights to the similar foreign organization for management.
6. Organization for collective management of the property rights shall, before receiving of the permit for management of the property rights from the rightsholders, provide to him/her information about his/her rights, among them, the rights provided for by paragraphs 1-5 of this Article.

7. Organization for collective management of the property rights shall not refuse to manage the property rights, with the exclusion of cases provided for by this Law.

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#### **Article 66<sup>5</sup>. Rights and obligations of the user, licensing**

1. Organization for collective management of the property rights and the user shall negotiate in good faith, for licensing of the property rights. They shall provide to one another all information required for contracting.

2. Licensing conditions shall be based on the unbiased and non-discriminatory criteria. In the process of licensing, the organization for collective management of the property rights shall not be required to provide, as the precedent, the terms and conditions of the license of property rights agreed upon with the other user.

3. Organization for collective management of the property rights shall consider the user's application on licensing of the property rights within the reasonable time and for this purpose, request all information required for licensing. After obtaining of such information, written notification shall be provided, specifying whether his/her request on licensing of the property rights was accepted or rejected. Notification about rejection of the property rights' licensing request shall contain reasoned explanation, specifying the relevant grounds.

4. Organization for collective management of the property rights shall provide to the user the opportunity of communication by electronic means, including for submission of the licensing reports.

5. User shall maintain documentation stating information about use of the work and/or other object protected by this Law, with the exclusion of cases, where, according to the agreement with organization for collective management of the property rights this is not necessary for calculation and distribution of the royalties.

6. User shall provide, to the organization for collective management of the property rights, in the predetermined or agreed term and format, information about use of the rights managed by the organization, required for collection and distribution of the royalties. Organization for collective management of the property rights, in turn, shall not disclose provided confidential information. In making decision about the format of such submission, the organization for collective management of the property rights and the user shall take into consideration the standards accepted in the relevant sphere.

7. For the users of the same category, the licensing conditions shall be equal. The organization for collective management of the property rights is not entitled to refuse to issue the license of the property rights without sufficient grounds.

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#### **Article 66<sup>6</sup>. Establishing of tariffs**

1. In exercising the rights specified in this Law, the rightsholder shall receive the royalties for use of his/her work and/or other objects protected by this Law.

2. Organization for collective management of the property rights collects the royalties, in amount agreed upon with the persons specified in Paragraph 4, Article 21 of this Law without issuance of the license, in cases specified in the same paragraph and Paragraph 3, Article 51 of this Law.
3. Organization for collective management of the property rights shall provide to the users complete information about criteria for establishing of the tariffs. The tariffs shall be adequate, with respect of the economic value of the rights in civil circulation.
4. Organization for collective management of the property rights shall publish the tariff schedules on its website and request from Sakpatenti to publish them on its website. In the event of publication of the tariff schedules on the website of the organization for collective management of the property rights, Sakpatenti shall publish, on its website, the notification about availability of the tariffs electronically.
5. If the organization for collective management of the property rights and the user to agree upon the amount of the royalties, procedures of calculation and payment thereof, on the basis of application of a party or the parties, shall be set by the commission established by the chairman of Sakpatenti, in accordance with Paragraph 7, Article 18 of this Law and the relevant royalties shall be paid in accordance with Paragraphs 7 and 7<sup>1</sup> of the same article. Tariffs established by the commission shall be adequate, with respect of economic value of the rights in civil circulation.
6. Organization for collective management of the property rights shall submit the tariffs established in accordance with this Article to Sakpatenti, for publication with official bulletin.

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#### **Article 66<sup>7</sup>. Information provided to the rightsholders about management of their rights**

Organization for collective management of the property rights shall, at least once per year, make available to each rightsholder, to whom it has paid the incomes received from management of the rights or for which it has made payments in the period, to which information belongs, the following information:

- a) Any contact information, access to which it has gained and which can be used for identification of the rightsholders and their whereabouts;
- b) Amount of the royalties payable to the rightsholders;
- c) Amounts paid to the rightsholders, by the categories of rights and types of their use;
- d) About the period, during which the work and/or other object protected by this Law was used, for which the organization for collective management of the property rights has collected the amounts and paid to the rightsholders, with the exclusion of cases, where non-fulfillment of the reporting obligations by the users prevent it from providing such information to the rightsholders;
- e) Information about deductions for the fees for management of the rights;
- f) Information about any deductions intended for the social, cultural or education services, in accordance with Georgian legislation, other than the fees for the rights' management;

g) Any incomes from management of the rights belonging to the rightsholder and, irrespective of the period of collection, was left unpaid.

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**Article 66<sup>8</sup>. Information provided to the other organization for collective management of the property rights on management of the rights under mutual representation agreements**

Organization for collective management of the property rights shall, at least once per year, by electronic means, make available to the organizations providing collective management of the certain rights and categories of rights that, on the basis of mutual representation agreements, are managed by it, for the relevant period:

- a) Accurate information about the royalties paid by the organization for collective management of the property rights, as well as the royalties paid broken down by the types of rights and their use, as well as information about any undistributed incomes, by collection period;
- b) Information about amounts deducted as the fees for management of rights;
- c) Information about issued licenses, as well as information about the users denied;
- d) Information about resolutions dealing with the management of property rights under mutual representation agreements, adopted at the general meeting of the members of organization for collective management of the property rights.

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**Article 66<sup>9</sup>. Providing information upon request of the party of mutual representation agreement, rightsholder or user**

Upon properly grounded request by the party of mutual representation agreement, rightsholder or user, the organization for collective management of the property rights shall promptly, by electronic means, provide, at least the following:

- a) Information about the works and/or other objects protected by this Law transferred directly or through mutual representation agreements, as well as the rights, within the coverage area;
- b) Regarding the sphere of activities of the organization for collective management of the property rights, in case of impossibility of identification of such composition and/or other objects protected by this Law, information about rights under its management, within the coverage area.

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**Article 66<sup>10</sup>. Public availability of information**

1. Organization for collective management of the property rights shall make publicly available, on its website, at least the following information:

- a) Organization's charter;
- b) Procedures regulating the organization membership and revocation of permits of the rights management, if it is not provided by the organization's charter;
- c) Standards of license agreement and effective tariffs (including discounts);
- d) List of the persons at managerial positions of the organization for collective management of the property rights in accordance with this Law;
- e) General regulations of distribution of the royalties to the rightsholders;
- f) Fees for the rights management;
- g) Policies related to the other deductions, other than management fees, among them, from the collected royalties, as well as deductions for the purposes of social, cultural and education services;
- h) Information about mutual representation agreements and names and data of organizations parties to such agreements;
- i) General policies for use of undistributed royalties;
- j) Procedures of consideration of complaints and disputes resolution, as specified in Article 66<sup>14</sup> of this Article.

2. Organization for collective management of the property rights shall, upon publication of the information specified in Paragraph 1 of this Article on its website, ensure regular updating of such information. In the event of changes to this information, immediately ensure public availability of updated information.

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#### **Article 66<sup>11</sup>. Annual transparency report**

1. Organization for collective management of the property rights shall, upon completion of each financial year but no later than within 8 months from the end of the financial year, prepare and make publicly available on its website the annual transparency report. This report shall be available for any interested parties for 5 years from the date of publication thereof.

2. Annual transparency report shall contain, at least, the following information:

- a) Financial statements including balance sheet and statement of assets and liabilities, annual report on incomes and expenses and cash flow statement;
- b) Information about active licenses (including new licenses issued during the accounting calendar year, broken down by rights or categories of rights) and refusals to issue the license;
- c) Description of the legal structure and management structure of the organization for collective management of the property rights;

- d) Information about any legal entity directly or indirectly owned or controlled, in whole or in part, the organization for collective management of the property rights;
- e) Information about total remuneration paid to the organization chairman, members of the board, council of the authors and performers and other commissions and councils and persons at the managerial positions and other benefits provided to them;
- f) Financial information about collected royalties, by the categories of rights subject to management and types of use (e.g. broadcasting, online performance, public performance), among them, information about revenues from investing of the royalties and appropriate use of such revenues (irrespective of whether it was distributed among the rightsholders or paid to the other organization for collective management of the property rights or it was used for any other purpose);
- g) Financial information about the fees for management of rights and other services provided by the organization for collective management of the property rights, to the rightsholders. This information shall contain detailed description of at least of the following issues:
  - g.a) All management and financial expenses that shall be broken down by the rights and categories of rights subject to management. Any indirect expenses that cannot be attributed to any one or more category of rights, also it shall contain description of the method of costs distribution;
  - g.b) Any financial costs, including costs for social, cultural and education services;
- h) Information about collected royalties (with their detailed description) that shall include, at least, the following:
  - h.a) Total amount collected for the rightsholders, broken down by the categories of rights and types of their use;
  - h.b) Total royalties paid to the rightsholders, by categories of rights and types of their use;
  - h.c) Frequency of payments, broken down by the categories of rights and types of use;
  - h.d) Information about total collected amount that was not distributed yet to the rightsholders, broken down by the categories of rights and types of their use, specifying the financial year of collection of these amounts;
  - h.f) In the event of non-distribution and non-payment by the organization for collective management of the property rights for last 2 years – the causes of such delay;
  - h.g) Information about total undistributed amount and in the event of use of such amounts – explanations of the reasons of use of these amounts;
  - h.h) In the event of delay of payment by the organization for collective management of the property rights – information about interests accrued on the amounts deposited on the special accounts and distribution of such interests;
- i) Information about relationships with the other similar organization that shall include, at least, the following information:
  - i.a) Amounts received from and paid to the other similar organizations, broken down by the categories of rights, types of use and organizations;
  - i.b) Fees for management of the rights paid from the royalties collected for the other similar organizations broken down by the categories of rights, types of use and organizations;
  - i.c) Fees paid from the royalties collected and transferred by the other organizations for collective management of the property rights broken down by the categories of rights, types of use and organizations (if any);
- j) Detailed information about use of the amounts deducted for social, cultural and education services that shall include the amounts deducted for the purposes of the social, cultural and education services during the year and type of purpose for each of them.

3. Information included into the annual transparency report shall be audited once per 2 years by one of the audit firms that has the authorities of auditing of the person of public interest. The audit report, including any assessments shall be fully reflected in annual transparency report.

4. Transparency criteria specified in this Article shall be applicable to any targeted funds created by the organization for collective management of the property rights.

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#### **Article 66<sup>12</sup>. Rules of membership of the organization for collective management of the property rights**

1. Organization for collective management of the property rights shall accept as a member any rightsholder (including the legal entities), if he/she complies with the membership requirements specified by the organization's charter. In the event of rejection of a rightsholder as a member, the organization shall provide written grounding for such rejection.

2. Organization for collective management of the property rights shall consider the rightsholder's application on organization membership, within 1-month term from the date of its submission.

3. Rules of membership of the organization for collective management of the property rights shall be based on the unbiased, transparent and non-discriminatory criteria. Criteria of the organization's membership may be regulated by the organization's charter, as well as special regulations for acceptance of the organization members may be adopted that, in turn, shall be publicly available.

4. Charter of the organization for collective management of the property rights shall provide effective and efficient mechanisms to ensure equal participation of the organization members in the decision-making, with respect of the organization's activities/ Involvement of the representatives of the members with different rights' categories in decision-making about the mentioned organization's activities shall be fair and balanced.

5. Organization for collective management of the property rights shall provide to the organization members the right and opportunity to communicate with the organization electronically, among them, it shall guarantee submission of the membership application in both, material and electronic forms, as well as exercising of the other authorities of the members.

6. Organization for collective management of the property rights shall maintain and regularly update the registry of members.

7. In the event of leaving by the member of the organization for collective management of the property rights, the organization for collective management of the property rights shall provide final settlement with the leaving member, no later than within 3 months from the date of leaving of the organization by the member. The mentioned organization shall be entitled to establish that termination of the agreement entered into force upon completion of the financial year.

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#### **Article 66<sup>13</sup>. General meeting of the members of the organization for collective management of the property rights**

1. General meeting of the members of the organization for collective management of the property rights (hereinafter referred to as general meeting) shall be summoned at least once per year.
2. General meeting makes decision on amendments and addenda to the charter of the organization for collective management of the property rights (among them, in relation with the issues of key principles and procedures of the royalties' distribution), as well as in relation with the regulations related to membership of the organization for collective management of the property rights.
3. General meeting makes decision on appointment and dismissal of the members of board and supervisory board of the organization for collective management of the property rights, considers the report on their activities, approves regulations for providing of their remuneration and bonuses, such as the monetary and non-monetary benefits and supplementary pensions, as well as other regulations related to remuneration.
4. General meeting makes decisions on the following issues:
  - a) General procedures and policies for distribution of the collected royalties;
  - b) General regulations of disposal of undistributed royalties;
  - c) Use of undistributed royalties;
  - d) Special deductions from the collected royalties;
  - e) Risks management policies;
  - f) Acquisition, disposal or legal burdening of real property;
  - g) Issues related to reorganization and liquidation, foundation of the legal entities and procurement of the shares and/or participation interests in the other legal entity;
  - h) Taking and granting of the loans, guarantees or loan security measures.
5. General meeting controls activities of the organization for collective management of the property rights through, at least, appointing and dismissal of the auditors, as well as approves annual report of the organization transparency.
6. At least 10 percent of the total number of the members of organization for collective management of the property rights, for preparing of the qualified report related to the organization's management, may invite the specialist in certain discipline.
7. Each member of the organization for collective management of the property rights is entitled to participate in general meeting and enjoy the voting rights. The mentioned organization shall ensure participation of the organization's member in general meeting remotely and this shall be stated in the organization's charter.
8. Member of the organization for collective management of the property rights may exercise his/her right to participate in general meeting and vote both, personally and through the representative. The representative may be any natural person or legal entity, provided that such representation does not cause conflict of interests. Conflict of interests exists also, if the rightsholder in the mentioned organization and the representative have the statuses of holders of the rights of different categories.

9. Representation authority is granted for the purpose of participation in any specific general meeting only. Representative participating in general meeting shall have the same rights and obligations as the rightsholder.

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**Article 66<sup>14</sup>. Supervisory board of the organization for collective management of the property rights**

1. For the purpose of control of exercising authorities in accordance with this Law and charter of the organization, the organization for management of the property rights on the collective basis establishes the supervisory board.

2. Members of the organization holding different categories of the rights shall be fairly represented in the supervisory board.

3. Members of the supervisory board are elected by general meeting, for 5-year term. As the members of supervisory board, there are elected the persons, whose professional experience allows effectively performing of the supervisory functions, irrespective of whether they are members of the organization for collective management of the property rights.

4. Supervisory board is accountable to the general meeting. At least once per year, the supervisory board submits to general meeting the report about its activities. Members of the supervisory board shall submit to general meeting the information about existing or proposed conflict of interests that could prevent exercising of their authorities.

5. Members of the organization for collective management of the property rights, as well as the organization for collective management of the property rights, whose rights, on the basis of the mutual representation agreement are managed by the mentioned organization, are entitled to apply to the supervisory board, for the purpose of involvement, assistance and/or dispute resolution, dealing with accreditation of the organization for collective management of the property rights, termination of the agreement or revocation of the rights, membership terms and conditions, as well as collection, distribution and/or targeted deduction of the royalties.

6. Persons that are not members of the organization for collective management of the property rights, whose rights or categories of rights are managed by the said organization, may enjoy the rights specified in Paragraph 5 of this Article where the issue under consideration deals with collection, distribution and/or targeted deduction of the royalties.

7. Organization for collective management of the property rights shall give written answers to all claims or requests submitted on the basis of Paragraphs 5 and 6 of this Article. Organization's refusal to satisfy the request shall be properly grounded.

8. Supervisory board shall consider the application submitted on the basis of Paragraph 5 of this Article immediately.

9. Supervisory board shall resolve the disputes specified in Paragraph 5 of this Article in the best interests of the parties and act fairly and without bias. Each party of dispute resolution process shall act in good faith.

10. In the process of dispute resolution, the supervisory board is entitled to request explanations from the board members and any employee. Supervisory board shall study the annual report and accounting documents before it makes decision.

11. Dispute specified in Paragraph 5 of this Article shall be completed, if:

- a) The parties have signed the settlement agreement;
- b) Any party shall give written notification to the supervisory board at any time, after such party receives notification from the supervisory board, as per Paragraph 7 of this Article that the party does not desire to continue the dispute;
- c) If, based on assessment of the supervisory board, the issue cannot be resolved within the scopes of the dispute emerged on the basis of Paragraph 5 of this Article and relevant grounded written notifications shall be given to the parties;
- d) The initial and additional terms set for the case have expired. Relevant written notifications about this shall be given to the parties.

12. Consideration of the dispute in accordance with Paragraph 5 of this Article does not deprive the parties the right to apply to the court.

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#### **Article 66<sup>15</sup>. Obligations of the managers of the organization for collective management of the property rights**

1. Managers of the organization for collective management of the property rights shall manage the organization in compliance with the law, in good faith, properly, act in the organization's true interests, applying transparent administrative, financial procedures and mechanisms of internal control.
2. Organization for collective management of the property rights shall have the relevant mechanisms to exclude existing or potential conflict of interests of the managers of the organization. In the event of the conflict of interests, the organization for collective management of the property rights shall ensure identification thereof, as well as management, control and elimination so that to avoid its negative impact on the interests of the organization members.
3. Managers of the organization for collective management of the property rights shall, at least, once per year, submit to general meeting their individual reports that shall contain the following information:
  - a) Any interests to the organization for collective management of the property rights;
  - b) Any payments received from the organization for collective management of the property rights in the previous year, including any supplementary pensions, as well as any direct or indirect benefits.
  - c) Any royalties received by them, as the rightsholders, from the organization for collective management of the property rights in the previous year.
  - d) Any existing or potential conflict of interests between the interests of the manager of the organization for collective management of the property rights and those of such organization, or between the obligations

undertaken to the organization for collective management of the property rights and those to any other natural person or legal entity.

4. Chairman of the organization for collective management of the property rights is elected by general meeting for 5-year term and the same person may be elected as chairman of the organization for collective management of the property rights for two terms in sequence only.

5. Charter of the organization for collective management of the property rights shall include information about the person in charge of performance of the chairman's obligations, in case of absence of the chairman of the organization for collective management of the property rights or his/her inability, in any other way, to perform his/her obligations.

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#### **Article 66<sup>16</sup> Control over activities of the organization for collective management of the property rights**

1. Control over the activities performed by the organization for collective management of property rights, in the sphere of collective management of the rightsholders' property rights, as well as fulfillment of the requirements and obligations provided for by Georgian legislation in the sphere of copyright and related rights, among them, those, provided for by this Law and Sakpatenti decisions shall be provided by Sakpatenti.

2. Sakpatenti shall be entitled, to verify compliance of the activities of organization for collective management of the property rights with the requirements established by this Law, request from the mentioned organization the report on its activities that can contain any information related to management of property rights, among them, amount of royalties distributed by the organization and principle of distribution, amount deducted for the purpose of rights management and overall financial status of the organization.

3. For the purpose of verification, whether the activities of organization for collective management of the property rights comply with this Law, Sakpatenti is entitled to conduct investigation at its incentive or on the basis of application of the interested person.

4. As a result of investigation, specified in Paragraph 3 of this Article the report shall be issued. In the event of identification of non-compliance of the activities of the organization for collective management of the property rights with the requirements under this Law, depending on severity of breach, Sakpatenti is entitled to develop recommendation and set reasonable time for elimination of breaches but no more than 3 months. Sakpatenti's decision shall be delivered to the organization for collective management of the property rights within 7-day term and it shall be posted on the website of such organization and Sakpatenti website.

5. In the event of discovery of the signs of crime by the investigation of Sakpatenti, the relevant materials shall be immediately submitted to the law enforcement bodies.

6. On the basis of investigation results, Sakpatenti is entitled to invite the management of the organization for collective management of property rights to oral consideration.

7. If investigation by Sakpatenti reveals the facts of violation of the obligations specified in Article 66<sup>15</sup> of this Law by the organization for collective management of the property rights, Sakpatenti shall be entitled to demand from the organization for collective management of the property rights to convene general

meeting within one-month term, where the issue of responsibility of the managers of the organization shall be discussed.

8. Sakpatenti is entitled to make decision on suspension or termination of the authorities of managers of the organization for collective management of the property rights, if the fact of non-compliance with the obligations specified in Article 66<sup>15</sup> of this Law by these managers takes place.

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#### **Article 66<sup>17</sup>. Investigation by independent auditor, results of consideration of the investigation report**

1. Sakpatenti is entitled to assign conducting of the investigation specified in Paragraph 2 of Article 66<sup>16</sup> of this Law, on the basis of grounded decision, to one of the audit firms with the authority of auditing of public interest person. In the event of identification of breach, the organization for collective management of property rights shall bear all audit costs, payable from the funds intended for administration thereof.

2. Organization for collective management of the property rights shall collaborate with the auditor, in conducting investigation, provide, without any delays, any information required by the auditor. In the event of refusal to collaborate or posing barriers, the auditor shall notify Sakpatenti about this and this may provide basis for termination of accreditation of the organization for collective management of the property rights, in a manner, provided for by this Law.

3. Auditor shall submit the report of conducted investigation to Sakpatenti.

4. On the basis of auditor's investigation report, Sakpatenti shall take measures as per Article 66<sup>16</sup> of this Law.

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#### **Article 66<sup>18</sup>. Accreditation termination**

1. If, irrespective of the measures specified in Article 66<sup>17</sup> of this Law, the organization for collective management of the property rights, fails to ensure proper fulfillment of the obligations, Sakpatenti makes decision on termination of accreditation.

2. In its decision about termination of accreditation, Sakpatenti shall provide grounding of necessity of such decision.

3. Accreditation termination implies declaration of the accreditation invalid in accordance with General Administrative Code of Georgia.

4. If, in case specified in Paragraph 1 of this Article, Sakpatenti regards that accreditation termination can cause greater damage to the rightsholders than continuation of accreditation, it makes reasonable decision on granting of the right of continuation of the activities by the organization for collective management of property rights in compliance with the terms and conditions established by Sakpatenti. In such case, the mentioned organization shall continue performing of the obligations vested in it by this Law, before new accreditation by Sakpatenti.

5. Accreditation of the organization of collective management of the property right shall be terminated before term, in case of non-submission or incomplete submission of the mutual representation a, within the term, specified in Paragraph 4, Article 64 of this Law.
6. In case of presence of the grounds specified in this Agreement, Sakpatenti shall be entitled to terminate accreditation of the organization for collective management of the property rights, with respect of the specific right, category of rights or groups of the rights' categories.
7. Decision on termination of accreditation of the organization for collective management of property rights shall be published with Sakpatenti's official bulletin.
8. Decision on termination of accreditation of the organization for collective management of property rights shall enter into force in 1 month from the date of publication with Sakpatenti's official bulletin.
9. Organization for collective management of the property rights, whose authorities were terminated in accordance with this Article, shall continue exercising of its authorities in a manner, specified in Paragraph 4 of this Article, before the decision on new accreditation in the same category of rights enters into force.
10. After termination of accreditation of the organization for collective management of the property rights, no any actions specified in this Law shall be performed on behalf of the mentioned organization.
11. Organization, whose accreditation was terminated in a manner provided for by this Law, shall, within 14 days from the date of official familiarization of the decision on accreditation termination, apply to the National Agency of Public Registry and ensure compliance of the organization's firm name with the requirement specified in Paragraph 6, Article 63 of this Law.
12. In the event of organization's failure to fulfill the obligation specified in Paragraph 11 of this Article, Sakpatenti shall be entitled, at its own incentive, apply to the National Agency of Public Registry, with the request of changing of the organization's firm name.

*Law of Georgia of 3 June 2023 No: 3450 – website, 25.07.2023*

## **Chapter XI**

### **Transition provisions**

#### **Article 67 Application of the provisions of this Law to the relationships emerged earlier**

1. This Law shall be applicable to the relationships related to creation and use of the objects of the copyright and related rights that have emerged after entry into force of this Law.
2. To the works, the 70-year term of copyright has not expired before effectiveness of this Law, the terms of copyright validity specified in Articles 31-32 shall be applicable.
3. To the performances, for the first performance of which the 50-year term has not expired, the term of the performer's rights specified in Paragraph 1, Art. 57 of this Law shall be applicable.
4. For the phonograms and videograms, from the date of creation, publication or making publicly available of which to the entry of this Law into force, 70 years have not expired, if they were not available to the public through publication or making publicly available, the term of validity of the related rights specified in Paragraph 3, Article 57 of this Law shall apply.

5. For the shows of the broadcasting organizations, from the date of creation, first publication or making publicly available of which to entry of this Law into force have not expired 70 years, if they were not available to the public through publication or making publicly available, the term of validity of the related rights specified in Paragraph 3, Article 57 of this Law shall apply.

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

#### **Article 67<sup>1</sup>**

(Omitted)

*Law of Georgia of 3 June 2005 No: 1585 – GLH I, No: 31, 27.06.2005, Art. 198*

*Law of Georgia of 26 October 2007 No: 5422 – GLH I, No: 38, 14.11.2007, Art. 365*

## **Chapter XII**

### **Final Provisions**

#### **Article 68. Invalidated subordinated acts**

From the date of entry of this Law into force, all subordinated acts in breach of this Law shall be deemed invalid.

#### **Article 69. Entry of the law into force**

This Law shall enter into force upon publication thereof.

Eduard Shevardnadze

President of Georgia

Tbilisi

22 June 1999, No: 2112-IIS