

Standing Committee on Copyright and Related Rights

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**ANNEX II: COUNTRIES WITH PROVISIONS FOR LENDING (WITHOUT AN ACTIVE
PLR SYSTEM)**

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ANNEX II TO SCOPING STUDY ON PUBLIC LENDING RIGHT COUNTRIES WITH PROVISIONS FOR LENDING - WITHOUT AN ACTIVE PLR SYSTEM

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PART A: EXAMPLES IN LANGUAGES SUPPORTED BY OFFICIAL TRANSLATION

1 ANDORRA

[1999 Copyright and Neighboring Rights Acts](#)

Original Wording (Catalan)	Translation
<p>Article 5 <i>Drets econòmics</i></p> <p>1) Subjecte a les disposicions de l'apartat 2) d'aquest article i dels articles 7 a 17, l'autor o qualsevol altre propietari dels drets d'autor d'una obra té el dret exclusiu d'autoritzar els actes següents:</p> <ul style="list-style-type: none"> a) la reproducció de l'obra; b) la traducció de l'obra; c) l'adaptació, l'arranjament o qualsevol altra transformació de l'obra; d) la distribució de l'original o d'una còpia de l'obra al públic per mitjà de venda, lloguer, préstec o per qualsevol altra forma de transferència de la propietat o la possessió; e) l'exhibició pública de l'original o d'una còpia de l'obra; f) la interpretació o execució pública de l'obra; g) la radiodifusió de l'obra; h) la reemissió o retransmissió per cable de l'obra; i) qualsevol altra comunicació pública de l'obra. <p>2) Les disposicions de l'apartat 1) d) d'aquest article no són aplicables en relació amb els programes d'ordinador en què el programa en si mateix no és l'objecte essencial de l'acte de distribució.</p>	<p>Article 5 <i>Economic rights</i></p> <p>(1) Subject to the provisions of paragraph 2 of this Article and of Articles 7 to 17, the author of, or other owner of copyright in, a work shall have the exclusive right to authorize the following acts:</p> <ul style="list-style-type: none"> (a) reproduction of the work; (b) translation of the work; (c) adaptation, arrangement or other transformation of the work; (d) distribution of the original or of a copy of the work to the public by sale, rental, lending or any other means of transferring ownership or possession; (e) public display of the original or of a copy of the work; (f) public performance of the work; (g) broadcast of the work; (h) rebroadcast or cable retransmission of the work; (i) other public communication of the work. <p>(2) The provisions of paragraph 1(d) shall not apply in respect of computer programs where the program itself is not the essential object of the act of distribution.</p>

2 BHUTAN

[2001 Copyright Act of the Kingdom of Bhutan, 2001](#)

Original Wording	
<p>Definitions</p> <p>4. For the purpose of this Act:</p> <p>[...]</p> <p>(xiii) "public lending" is the transfer of the possession of the original or a copy of a work or a sound recording for a limited</p>	

<p>period of time, for non-profit-making purposes, by an institution the services of which are available to the public, such as a public library or archive;</p> <p>[...]</p>	
<p>Economic Rights</p> <p>8. (1) Subject to the provisions of Sections 10 to 20, the author of, or other owner of copyright in, a work shall have the exclusive right to carry out or to authorize the following acts:</p> <ul style="list-style-type: none"> (a) reproduction of the work; (b) translation of the work; (c) adaptation, arrangement or other transformation of the work; (d) the first public distribution of the original and each copy of the work by sale, rental or otherwise; (e) rental or public lending of the original or a copy of an audiovisual work, a work embodied in a sound recording, a computer program, a data base or a musical work in graphic form, irrespective of the ownership of the original or the copy which is the subject of the rental or public lending; (f) importation of copies of the work, even where the imported copies were made with the authorization of the author or other owner of copyright; (g) public display of the original or a copy of the work; (h) public performance of the work; (i) broadcasting of the work; (j) other communication to the public of the work. <p>(2) The right of rental under item (d) of subparagraph (1) does not apply to rentals of computer programs where the program itself is not the essential object of the rental.</p>	

3 BURKINA FASO

[Act No. 048-2019/AN on the Protection of Literary and Artistic Property](#)

Original Wording (French)	Translation
Section 2 : Droits patrimoniaux Article 18 :	Section 2: Economic Rights Article 18.

<p>L'auteur d'une œuvre de l'esprit jouit sur son œuvre de droits patrimoniaux exclusifs dont les prérogatives lui permettent de faire ou d'autoriser :</p> <ul style="list-style-type: none"> - la reproduction de son œuvre ; - l'adaptation, la traduction ou toute autre transformation de son œuvre; - la représentation, l'exécution publique ou la communication au public de son œuvre y compris la mise à la disposition du public de son œuvre de manière que chacun puisse y avoir accès de l'endroit et au moment qu'il choisit de manière individualisée ; - l'importation des exemplaires de son œuvre ; - la distribution des exemplaires de son œuvre au public par la vente ou par tout autre transfert de propriété ou par location ou prêt public; ce droit est épuisé par la première vente ou tout autre transfert de propriété des exemplaires par l'auteur ou avec son consentement dans l'espace de l'Union économique et monétaire ouest africaine (UEMOA). 	<p>The author of an intellectual work has exclusive economic rights over the work, whereby the author may carry out or authorize the following acts:</p> <ul style="list-style-type: none"> - reproduction of the work; - adaptation, translation or any other transformation of the work; - performance, public performance or communication to the public of the work, including making it available to the public in such a way that enables access to it by anyone from a place and at a time of their choosing; - importation of copies of the work; - distribution of copies of the work to the public by sale or any other means of transferring ownership or by rental or public lending; this right shall be exhausted by the first sale or any other transfer of ownership of the copies by the author or with the author's consent within the West African Economic and Monetary Union (WAEMU).
<p>Article 19:</p> <p>Les droits de location et de prêt prévus à l'article 18 ci-dessus ne s'appliquent pas à la location de programme d'ordinateur dans le cas où le programme lui-même n'est pas l'objet essentiel de la location ou du prêt.</p>	<p>Article 19.</p> <p>The rental and lending rights referred to in Article 18 shall not apply to the rental of computer programs where the program itself is not the essential object of the rental.</p>

4 ETHIOPIA

[Proclamation No. 410/2004 on the Protection of Copyright and Neighboring Rights](#)

Original Wording	
<p>7. Economic Rights</p> <p>(1) Subject to the provisions of Articles 9 to 19 of this Proclamation the author or owner of a work shall have the exclusive right to carry out or authorize the following acts in relation to the work:</p> <ul style="list-style-type: none"> (a) reproduction of the work; (b) translation of the work; (c) adaptation, arrangement or other transformation of the work; (d) distribution of the original or a copy of the work to the public by sale or rental; 	.

<p>(e) importation of original or copies of the work;</p> <p>(f) public display of the original or a copy of the work;</p> <p>(g) performance of the work;</p> <p>(h) broadcasting of the work;</p> <p>(i) other communication of the work to the public.</p> <p>(2) The Provisions of subparagraph 1(d) of this Article shall not apply to the rental or public lending of computer programs except where the program is an essential object of the rental or lending.</p> <p>(3) In the case of original works of art or original manuscripts of a writer or a composer, the author or the author's heirs shall have the inalienable right to a share of the resell price of the work subsequent to the first transfer of the work by the author. The amount of the share and the condition of entitlement shall be determined by the regulations that may be issued under this Proclamation.</p>	
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5 HONG KONG

[Copyright Ordinance \(Chapter 528\) \(amended up to Ordinance No. 16 of 2022\)](#)

Original Wording (Chinese)	Translation
<p>25. 以租赁作品予公众方式侵犯版权</p> <p>(1) 租赁任何以下作品的复制品予公众，是受该作品的版权所限制的作为 ——</p> <p>(a) 电脑程式；</p> <p>(b) 声音纪录；</p> <p>(c) 影片；</p> <p>(d) 收录在声音纪录内的文学作品、戏剧作品或音乐作品。 <i>(由2007年第15号第6条代替。由2022年第16号第11条修订)</i></p> <p>(2) 在本部中，除本条以下条文另有规定外，租赁 (rental) 指为直接或间接的经济或商业利益，而令作品的复制品在该复制品将予或可予归还的条款下供人使用。</p> <p>(3) 租赁 (rental) 一词不包括 ——</p> <p>(a) 提供作公开表演、播放或放映之用，或作向公众传播之用； <i>(由2022年第16号第11条修订)</i></p> <p>(b) 提供作公开陈列之用；或 <i>(由2007年第15号第6条修订)</i></p>	<p>25. Infringement by rental of work to the public</p> <p>(1) The rental of copies of any of the following works to the public is an act restricted by the copyright in the work—</p> <p>(a) a computer program;</p> <p>(b) a sound recording;</p> <p>(c) a film;</p> <p>(d) a literary, dramatic or musical work included in a sound recording. <i>(Replaced 15 of 2007 s. 6. Amended 16 of 2022 s. 11)</i></p> <p>(2) In this Part, subject to the following provisions of this section, rental (租賃) means making a copy of the work available for use, on terms that it will or may be returned, for direct or indirect economic or commercial advantage.</p> <p>(3) The expression rental (租賃) does not include—</p> <p>(a) making available for the purpose of public performance, playing or showing in public</p>

<p>(c) 提供作即场参考之用。</p> <p>(4) 在本部中，凡提述租赁作品的复制品，包括租赁原本的作品。 [比照 1988 c. 48 s. 18A U.K.]</p>	<p>or communicating to the public; (<i>Amended 16 of 2022 s. 11</i>)</p> <p>(b) making available for the purpose of exhibition in public; or</p> <p>(c) making available for on-the-spot reference use.</p> <p>(4) References in this Part to the rental of copies of a work include the rental of the original. [cf. 1988 c. 48 s. 18A U.K.]</p>
<p>40A. 适用于第40A至40F条的定义</p> <p>(1) 在本条及在第40B至40F条中——(由2020年第10号第4条修订)</p> <p>[……]</p> <p>借出(lend)就某复制品而言，指在并非为直接或间接的经济或商业利益的情况下，提供该复制品予人使用，而使用条款是该复制品将予归还；[……]</p>	<p>40A. Definitions for sections 40A to 40F</p> <p>(1) In this section and in sections 40B to 40F—(<i>Amended 10 of 2020 s. 4</i>)</p> <p>[...]</p> <p>lend (借出), in relation to a copy, means to make it available for use, otherwise than for direct or indirect economic or commercial advantage, on terms that it will be returned; [...]</p>
<p>40D. 中间复制品</p> <p>(1) 任何根据第40C条有权制作原版文本的便于阅读格式版的指明团体，可管有任何在制作该便于阅读格式版的过程中必然产生的该原版文本的中间复制品，但——(由2020年第10号第8条修订)</p> <p>(a) 该指明团体只可为制作更多便于阅读格式版的目的，而管有该中间复制品；及(由2020年第10号第8条修订)</p> <p>(b) 该指明团体必须在已不需再为该目的而管有该中间复制品之后的3个月内，将之销毁。</p> <p>(2) 任何并非按照第(1)款管有的中间复制品须视为侵犯版权复制品。</p> <p>(3) 指明团体可根据第(1)款管有的中间复制品，借予或转移予另一同样根据第40C条有权制作有关版权作品的便于阅读格式版的指明团体。(由2020年第10号第8条修订)</p> <p>(4) 指明团体必须——</p> <p>(a) 在借出或转移中间复制品之前的一段合理时间内，将其借出或转移该</p>	<p>40D. Intermediate copies</p> <p>(1) A specified body entitled to make accessible copies of a master copy under section 40C may possess an intermediate copy of the master copy which is necessarily created during the production of the accessible copies, but—</p> <p>(a) the specified body may possess the intermediate copy only for the purpose of the production of further accessible copies; and</p> <p>(b) the specified body must destroy the intermediate copy within 3 months after it is no longer required for that purpose.</p> <p>(2) An intermediate copy possessed otherwise than in accordance with subsection (1) is to be treated as an infringing copy.</p> <p>(3) A specified body may lend or transfer an intermediate copy possessed under subsection (1) to another specified body which is also entitled to make accessible copies of the relevant copyright work under section 40C.</p> <p>(4) The specified body must—</p> <p>(a) within a reasonable time before lending or transferring the intermediate copy, notify the relevant copyright owner of its</p>

<p>中间复制品的意向，通知有关版权拥有人；或</p> <p>(b) 在借出或转移中间复制品之后的一段合理时间内，将它已借出或转移该中间复制品一事，通知有关版权拥有人。</p> <p>(5) 如指明团体在作出合理查究后，仍不能确定有关版权拥有人的身分及联络方法的详细资料，则第(4)款不适用。 <i>(由2020年第10号第8条修订)</i></p> <p>(6) 指明团体如就借出或转移本条所指的中间复制品收取费用，该费用不得超逾为借出或转移该中间复制品而招致的成本。</p> <p>(7) 凡任何中间复制品（若非因本条即属侵犯版权复制品者）按照本条被管有、借出或转移，但其后该中间复制品用作交易，则 —— <i>(由2022年第16号第27条修订)</i></p> <p>(a) 就该交易而言，该中间复制品须视为侵犯版权复制品；及</p> <p>(b) 如该交易侵犯版权，则就所有其后的目的而言，该中间复制品须视为侵犯版权复制品。</p> <p>(8) 就第(7)款而言，如 ——</p> <p>(a) 某人为任何贸易或业务的目的，或在任何贸易或业务的过程中，公开陈列或分发某中间复制品，而该人并非根据第(1)款有权管有该复制品的指明团体或根据第(3)款获借出或转移该复制品的指明团体；或</p> <p>(b) 出售或出租某中间复制品、要约出售或要约出租某中间复制品，或为出售或出租而展示某中间复制品，该复制品即属用作交易。 <i>(由2022年第16号第27条代替)</i></p> <p><i>(由2007年第15号第13条增补)</i></p>	<p>intention to lend or transfer the intermediate copy; or</p> <p>(b) within a reasonable time after lending or transferring the intermediate copy, notify the relevant copyright owner of the fact that it has lent or transferred the intermediate copy.</p> <p>(5) Subsection (4) does not apply if the specified body cannot, after making reasonable enquiries, ascertain the identity and contact details of the relevant copyright owner. <i>(Amended 10 of 2020 s. 8).</i></p> <p>(6) If the specified body charges for lending or transferring an intermediate copy under this section, the sum charged must not exceed the cost incurred in lending or transferring the copy.</p> <p>(7) Where an intermediate copy which apart from this section would be an infringing copy is possessed, lent or transferred in accordance with this section but is subsequently dealt with, it is to be treated as an infringing copy—</p> <p>(a) for the purpose of that dealing; and</p> <p>(b) if that dealing infringes copyright, for all subsequent purposes.</p> <p>(8) For the purposes of subsection (7), an intermediate copy is dealt with if it is—</p> <p>(a) exhibited in public or distributed, by any person other than the specified body entitled to possess the copy under subsection (1) or the specified body to which the copy is lent or transferred under subsection (3), for the purpose of or in the course of any trade or business; or</p> <p>(b) sold or let for hire, or offered or exposed for sale or hire. <i>(Replaced 16 of 2022 s. 27)</i></p> <p><i>(Added 15 of 2007 s. 13).</i></p>
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6 KAZAKHSTAN

[Act No. 6-I of June 10, 1996, on Copyright and Related Rights](#)

Original Wording (Russian)	Translation
Статья 48. Нарушение авторских и смежных прав	Article 48. Infringement of copyright or related rights

<p>1. За нарушение предусмотренных настоящим Законом авторских и (или) смежных прав наступает ответственность в соответствии с законами Республики Казахстан.</p> <p>2. В отношении произведений или объектов смежных прав не допускаются:</p> <p>1) осуществление без разрешения автора или иного правообладателя действий, направленных на снятие ограничений использования произведений или объектов смежных прав, установленных путем применения технических средств защиты авторского права и смежных прав;</p> <p>2) изготовление, распространение, сдача в прокат, предоставление во временное пользование, импорт, реклама любого устройства или его компонентов, их использование в целях получения дохода либо оказание услуг в случаях, если в результате таких действий становится невозможным использование технических средств защиты авторского права и смежных прав либо эти технические средства не могут обеспечить надлежащую защиту указанных прав;</p> <p>3) удаление или изменение без разрешения автора или иного правообладателя информации об управлении правами;</p> <p>4) воспроизведение, распространение, импорт в целях распространения, публичное исполнение, сообщение для всеобщего сведения по кабелю или передача в эфир, доведение до всеобщего сведения произведений или объектов смежных прав, в отношении которых без разрешения автора или иного правообладателя была удалена или изменена информация об управлении имущественными правами.</p>	<p>1. Liability for the infringement of copyright and/or related rights under this Act falls under the laws of the Republic of Kazakhstan.</p> <p>2. The following acts may not be carried out with regard to works or assets subject to related rights:</p> <p>(1) actions carried out without permission of the author or the copyright holder with the aim of removing technical limitations on the use of said works or assets installed to protect copyright and related rights;</p> <p>(2) the manufacture, distribution, rental, lending, importation or advertising of any device or its components, or their use for the purpose of earning income or providing services, where such actions render technical means for protecting copyright and related rights unusable or inadequate;</p> <p>(3) the removal or alteration, without permission of the author or copyright holder, of information concerning the management of rights;</p> <p>(4) the reproduction, distribution, import for distribution, public performance, communication to the public via on-air or cable broadcast or otherwise making available for public viewing of the works or assets subject to related rights, for which the information concerning property rights management was removed or altered without permission of the author or copyright holder.</p>
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[Order of the Acting Minister of Justice of the Republic of Kazakhstan No. 362 of December 15, 2004, on Approval of the Instruction on Application of the Minimum Rates of Remuneration for Use of Works through Public Performance, Public Communication, Reproduction and/ Distribution of Works](#)

Original Wording (Russian)	Translation
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5. Авторское вознаграждение по минимальным ставкам за воспроизведение и (или) распространение произведений, предусмотренным постановлением, начисляется за воспроизведение и (или) распространение произведений путем сдачи внаем, публичный прокат на территории Республики Казахстан.	5. Royalties shall be paid at the minimum rates for reproduction and/or distribution of works set forth in the Decision where works are reproduced and/or distributed by way of rental or public lending within the Republic of Kazakhstan
6. Ставки авторского вознаграждения, предусмотренные постановлением, являются минимальными и применяются, если иное не определено в договоре между пользователем и автором, его правопреемником либо организацией, управляющей имущественными правами на коллективной основе, в пределах полученных от них полномочий, и размер вознаграждения не является предметом спора между заинтересованными сторонами.	6. The royalty rates set forth in the Decision are minimum rates and shall apply unless otherwise specified in the contract between the user and the author, her or his successor or the intellectual property rights collective management organization, within the limits of its mandate, and where the amount of remuneration is not the subject of dispute between the parties concerned.
9. Авторское вознаграждение за воспроизведение и (или) распространение экземпляров звукозаписи, содержащих как охраняемые, так и не охраняемые авторским правом произведения начисляется только за охраняемые авторским правом произведения.	9. In the case of the reproduction and/or distribution of copies of sound recordings containing both copyrighted and non-copyrighted works, royalties shall be paid only for the copyrighted works.

7 KENYA

[Copyright Act \(Act No. 12 of 2001, as amended up to Act No. 20 of 2019\)](#)

Original Wording	
36. Authentication of copyright (1) Every sound and audiovisual recording made available to the public by way of sale, lending or distribution in any other manner to the public for commercial purposes in Kenya shall have affixed on it an authentication device prescribed by the Board	
30B. Collection and payment of royalty (1) Subject to the provisions of sections 28 and 30 of this Act, the Kenya Revenue Authority or any other designated entity by the Board shall collect royalties on behalf of collective management organizations licensed to represent performers and owners of sound recordings.	

8 MALAWI

[Copyright Act, 2016 \(Act No. 26 of 2016\)](#)

Original Wording	
<p>29. (1) Subject to Part IV, an author of any work eligible for copyright under this Part, shall have the exclusive right in respect of such work, to do, or authorize any other person to do, the following acts in relation to the whole work or any part thereof —</p> <ul style="list-style-type: none"> (a) reproduction of the work; (b) distribution by way of sale, commercial rent or lending of the work to the public; (c) public display of the work; (d) public performance of the work; (e) communication of the work to the public; (f) translation, adaptation, arrangement or any other transformation of the work in relation to a translation, adaptation, arrangement or other transformation of the work; or (g) any of the actions in paragraphs (a), (b), (c), (d) and (h) in relation to a translation, adaptation, arrangement or other transformation of the work. <p>(2) Tangible copies of a work which have been sold or otherwise assigned by, or with the consent of, the author may, regardless of whether the transfer of the copy occurred in Malawi or elsewhere, be distributed to the public:</p> <p>Provided that the author shall retain —</p> <ul style="list-style-type: none"> (a) the right of commercial rental of the work, except in the case of objects for practical use and works or architecture in the form of a building; (b) the right of commercial rental in the case of computer programs, except where the program itself is not the essential object of the rental or lending; and (c) the right of lending of machine-readable copies of a computer program audiovisual work embodied in sound recording, 	

<p>database or musical work in form of notation.</p> <p>(3) Tangible copies of a work which have been sold or otherwise assigned by, or with the consent of the author may be displayed to the public regardless where the transfer of the copy took place.</p>	
<p>75. (1) Subject to section 83, performers shall enjoy the exclusive right to do, or authorize any other person to do, any of the performers following acts —</p> <ul style="list-style-type: none"> (a) broadcasting or other communication to the public of their unfixed performance except where the performance thus used is itself a broadcast performance and the broadcast or communication is made or authorized by the organization initially broadcasting the performance; (b) fixation of their unfixed performance; (c) reproduction in any manner or form of their performance in any of the following cases — <ul style="list-style-type: none"> (i) where the performance was initially fixed without the performer's consent; (ii) where the reproduction is made for purposes different from those for which the performer gave authorization; or (iii) where the performance was initially in accordance with the provisions of section 83 but the reproduction is made for purposes different from any of those referred to in that section; (d) the distribution by way of sale and lending to the public of their performance fixed in a sound recording; (e) communication to the public of their performance fixed in a sound or audiovisual fixation, when the communication is made in such a way that members of the public may access the performance from a place and at a time individually chosen by them and; (f) making available to the public, of his fixed performance by wire or wireless 	

<p>means in such a way that members of the public may access the performance from time to time.</p> <p>(2) Tangible copies of a performance fixed in a sound recording which have been sold or otherwise assigned by or with the consent of the performers may, regardless of whether the transfer of the copy occurred in Malawi or elsewhere, be distributed to the public:</p> <p>Provided that the performers shall retain the right of commercial rental.</p> <p>(3) In the absence of any agreement to the contrary, or of circumstances of employment from which the contrary would ordinarily be inferred —</p> <ul style="list-style-type: none"> (a) the authorization to broadcast a performance or to communicate it by cable shall not imply — <ul style="list-style-type: none"> (i) an authorization to license another organization to broadcast the performance or communicate it by cable; (ii) an authorization to fix the performance; or (iii) an authorization to reproduce the fixation; (b) the authorization to fix the performance and to reproduce the fixation shall not imply — <ul style="list-style-type: none"> (i) an authorization to broadcast or otherwise communicate the performance to the public from the fixation or any reproduction of such fixation; or (ii) an authorization to distribute copies of the fixation except when the fixation or reproduction in accordance with the authorization granted is in the form of or is incorporated in a visual or audiovisual fixation; and (c) the authorization to distribute copies of a performance fixed in a sound recording or audiovisual fixation shall not imply an authorization to distribute copies by way of commercial rental. <p>(4) Where the performers have authorized the fixation of their performance by the broadcaster and the broadcast or other communication to the public of that fixation, the performer shall have the right to equitable</p>	
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<p>remuneration in respect of any such broadcast or communication whether or not such fixation has been used commercially.</p> <p>(5) Where the performers have authorized distribution by way of commercial rental of their performances fixed in sound recordings, or audio-visual fixation the performer shall receive equitable remuneration in respect thereof.</p> <p>(6) Nothing in this section shall be construed so as to deprive performers of the right to agree by contracts on terms and conditions more favourable for them in respect of any use of their performance.</p> <p>(7) Where a published sound recording or audio-visual fixation of a performance is used for public performance, broadcasting or for any other form of communication to the public except that which is subject to authorization under subsection (1) (e), the provisions in section 80 regarding remuneration to performers and producers shall apply.</p> <p>(8) The remuneration in subsection (4), (5) and (7) shall be collected only through the society.</p> <p>(9) When there is an agreement with the Society permitting reproduction or fixation as set out in section 58 (3) of performances, section 58 shall apply <i>mutatis mutandis</i>, to the use of performances of performers who are not represented by the Society:</p> <p>Provided that the agreement has been entered into by the Society in its capacity of representing, as confirmed by the Minister, a substantial part of the performers concerned whose habitual residence is in Malawi.</p> <p>(10) The protection under this section shall subsist for fifty years computed from the end of the year in which the performance took place or in which the fixation of the performance was made, or, if the fixation is published within that period, from the end of the year in which the fixation was published for the first time.</p>	
<p>Section 119 Regulations</p>	

<p>(1) The Minister may make regulations for implementation of the provisions of this Act generally.</p> <p>(2) Without prejudice to the generality of subsection (1), such regulations may—</p> <ul style="list-style-type: none"> (a) provide for the registration and deposit of works; (b) prescribe forms for— <ul style="list-style-type: none"> (i) applications to be made; (ii) licences to be issued; or (iii) contracts to be concluded, pursuant to the provisions of this Act; (c) prescribe fees payable under this Act; (d) prescribe any matter to be prescribed under this Act; (e) provide for the affiliation of associations to the Society and for the membership with such associations or with the Society of any persons whose works are protected under this Act. <p>(3) Notwithstanding section 21(e) of the General Interpretation Act, the regulations made under this Act may provide for the contravention of which would have a fine of up to K5,000,000 and imprisonment for up to two years. [Cap. 1:01]</p>	
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[Copyright \(Public Lending Right\) Regulations, 2021](#)

Original Wording	
<p>Copyright Act (Cap. 49:03) Copyright (Public Lending Right) Regulations, 2021</p> <p>In exercise of powers conferred by section 119 of the Copyright Act, I, Dr. Michael Bizwick Usi, Minister of Tourism, Culture and Wildlife, make the following Regulations—</p> <p>Citation</p> <p>1. These Regulations may be cited as the Copyright (Public Lending Right) Regulations, 2021.</p> <p>Interpretation</p>	

2. In these Regulations, unless the context otherwise requires—

“author” means the person who creates a work other than an audiovisual work;

“authorized person” means a member of staff of a public library and any other authorized person;

“authorized purposes” means all purposes within or in support of the mandate of an institution that is authorized under these Regulations;

“copyright-protected works” means literary, dramatic, musical, and artistic works, derivative works and typographic arrangements of works and similar materials otherwise protected under the Act;

“financial year” means the financial year of the Government;

“public library” means a resource or learning center with a collection of published copyright works for rental, funded by the Government;

“public lending right” means an exclusive right that an author has on his work to authorize or prohibit the lending out of work to the public;

“public lending right remuneration” means the remuneration authors receive from the Government through the Society as compensation for the free lending of their books in public libraries;

“published work” means a work which, with the consent of the author, has been made available to the public in tangible copies in a quantity sufficient to satisfy a reasonable demand for the work;

“publisher” means a person who invests resources in making a work available to the public;

“rightholder” means an author, publisher, illustrator, or translator of works;

"registration" means the registration of authors, publishers, illustrators, and translators into the Public Lending Right scheme;

"rental" means distribution by way of rental, lease, hire, or similar arrangement;

"staff member" means a full-time employee or individual working for a public library under contract, or a part-time employee whose combined ordinary working hours are counted in proportion to a full-time employee's ordinary working hours; and

"repertoire" means those published works, whether published in or outside of Malawi, by any author or publisher, estate of an author or publisher, or other person with a copyright interest in the published works who, by assignment, grant of license, appointment as an agent, express or implied, reciprocal agreement or otherwise, has authorized Copyright Society of Malawi to collectively administer reprographic reproduction rights in the said published works.

Application

3. These Regulations shall apply to all public libraries in Malawi.

Rights

4. (1) Authors, publishers, illustrators, and translators of works shall be entitled to compensation by the Government of Malawi for the use or lending out of their copyright-protected works in public libraries which use or lending out is done free of charge.

(2) The right granted under subregulation (1) shall be valid only for the purpose in respect of which it has been issued and for the period, and with respect to the premises specified therein.

Obligations of public libraries

5. Public libraries shall—

- (a) record all books borrowed from the library and submit the same

<p>every quarter to the Society specifying the author, and publisher of each published work as well as the number of times the book has been borrowed;</p> <ul style="list-style-type: none"> (b) ensure that only original published works are lent out to the public; and (c) submit data to Society on volume of books at the library at least thirty days after the end of each financial year. <p>Obligations of rights holders</p> <p>6. (1) Rights holders shall ensure that they register their published works with the Society.</p> <p>(2) The information submitted pursuant to subregulation (1) shall form part of the repertoire for the Public Lending Right scheme.</p> <p>Obligation of the Government</p> <p>7. (1) The Government shall ensure that funds for remuneration for the Public Lending Right is factored in the Government budget every financial year.</p> <p>(2) The Government shall ensure that the Public Lending Right remuneration is paid timely, at least within ninety days from the beginning of each financial year.</p> <p>Reporting and payments</p> <p>8. The Government shall pay, during each financial year and on behalf of all public libraries in Malawi, a remuneration to the Society calculated by multiplying the total number of books by local Malawian authors in all public libraries by the rate of K200.00 per book subject to a minimum annual fee of K4,000,000.00.</p> <p>License</p> <p>9. Once payment under regulation 8 has been made, the Society shall within thirty days, issue licences to all public libraries which the libraries will have to be publicly</p>	
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display in a prominent and visible position within the institution.

Distribution of remuneration

10. The Society shall pay appropriate remuneration to the person, persons or associations entitled thereto, out of the fees collected under these Regulations, in accordance with its procedures of distribution of royalties,

Survey

11. (1) The Society may, at intervals and in consultation with a public library, conduct a bibliographic and volume survey.

(2) The Society shall give a public library a notice of at least one month to before conducting the survey.

(3) Upon request, the public library shall participate in the survey and shall ensure that all authorized persons cooperate fully with the requirements of the survey.

(4) The public library shall grant the Society access to the institutions' premises at any reasonable times, to administer the survey and such access may be subject to reasonable arrangement for supervision as required by the institution to ensure the security of its premises, including computer systems, networks, and to maintain the confidentiality of personal or other confidential data.

Offences and penalties

12. Any person who contravenes these Regulations commits an offence and shall be liable to a fine of K5,000,000.00 and imprisonment for two years.

SCHEDULE

[Regulation 5(c)]

PROGRAMME RETURNS OF WORKS BORROWED FROM A PUBLIC LIBRARY

We [Name], Manager(s) of _____ are required to provide the following information regarding books borrowed from the library, as required under

<p>the Copyright Act. [Address / Location, Telephone No / District / Email]</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 20%; padding: 2px;">Title of Book</td> <td style="width: 20%; padding: 2px;">Author</td> <td style="width: 20%; padding: 2px;">Publisher</td> <td style="width: 40%; padding: 2px;">Number of Times Borrowed</td> </tr> </table> <p>If more than 10, use a separate sheet.</p> <p>I/ We [Name], the Manager of the above institution, declare that the information given above is true to the best of my knowledge and belief.</p> <p>Declared at _____ on day ____ of _____, 20__.</p> <p>Applicant's Signature: _____</p> <p style="margin-top: 20px;">FOR OFFICIAL USE ONLY</p> <p>Received by: _____</p> <p>Name of licensing officer Signature of licensing officer: _____</p> <p style="margin-top: 20px;">Return to: The Copyright Administrator Copyright Society of Malawi P.O. Box 30784 Lilongwe 3 Tel: 751 148 Email: cosoma@cosoma.mw</p> <p>Made this 23rd of February, 2021</p>	Title of Book	Author	Publisher	Number of Times Borrowed	
Title of Book	Author	Publisher	Number of Times Borrowed		

9 MAURITIUS

[Copyright Act 2014 \(Act No. 2 of 2014\)](#)

Original Wording	
<p>27. Public lending</p> <p>(1) A library or archive whose activities do not, directly or indirectly, serve commercial gain may, without the authorization of the author, lend to a member of the public a copy of a work, other than a computer programme, which is part of the permanent collection of the library or archive.</p> <p>(2) Every library or archive referred to in subsection (1) shall pay such equitable remuneration as may be prescribed.</p>	

10 MOZAMBIQUE

[Act No. 9/2022 of June 29, 2022, on Copyright and Related Rights and Repealing Act No. 4/2001 of February 27, 2001](#)

Original Wording (Portuguese)	Translation
Glossário	Definitions
Empréstimo - transferência da posse do original ou de um exemplar da obra por um tempo limitado, com fins não lucrativos, para uma instituição de serviços ao público.	Lending – transfer of ownership of the original work or of a copy thereof for a limited period of time, for non-profit purposes, to a body providing public services
Artigo 34 (Revenda e empréstimo público)	Article 34 (Resale and public lending)
É permitido, sem autorização do autor e sem pagamento de qualquer remuneração:	The following acts may be carried out without the consent of the author or payment of any remuneration:
(a) revender ou transferir de outra maneira, a propriedade do exemplar de uma obra, depois da primeira venda ou outra transferência da propriedade do exemplar a uma biblioteca ou serviço de arquivo, cujas atividades não visem direta ou indiretamente o lucro comercial;	(a) resell or otherwise transfer ownership of the copy of a work, after the first sale or other transfer of ownership of the copy to a library or archive service, the activities of which are not conducted directly or indirectly for profit;
(b) emprestar ao público o exemplar de uma obra escrita, para fins meramente de consulta, desde que não seja um programa de computador.	(b) lend a copy of a written work to the public for consultation purposes only, provided that it is not a computer program.

11 PORTUGAL

[Code of Copyright and Related Rights \(approved by Decree-Law No. 63/85 of March 14, 1985, and amended up to Decree-Law No. 9/2021 of January 29, 2021\)](#)

Original Wording (Portuguese)	
Artigo 68.º Formas de utilização	Article 68. Types of use
1 - A exploração e, em geral, a utilização da obra podem fazer-se, segundo a sua espécie e natureza, por qualquer dos modos actualmente conhecidos ou que de futuro o venham a ser.	1. The work may be exploited and, in general, used, depending on its type and nature, by any means currently known or which may become so in the future.
2 - Assiste ao autor, entre outros, o direito exclusivo de fazer ou autorizar, por si ou pelos seus representantes:	2. The author has the exclusive right, <i>inter alia</i> , to carry out or to authorize his representatives to carry out the following acts:
a) A publicação pela imprensa ou por qualquer outro meio de reprodução gráfica;	(a) Publication in printed form or by any other means of graphic reproduction;
b) A representação, recitação, execução, exibição ou exposição em público;	(b) Public performance, recitation, exhibition or display;
	(c) Cinematographic reproduction, adaptation, representation, performance, distribution and exhibition;

<p>c) A reprodução, adaptação, representação, execução, distribuição e exibição cinematográficas;</p> <p>d) A fixação ou adaptação a qualquer aparelho destinado à reprodução mecânica, eléctrica, electrónica ou química e a execução pública, transmissão ou retransmissão por esses meios;</p> <p>e) A difusão pela fotografia, telefotografia, televisão, radiofonia ou por qualquer outro processo de reprodução de sinais, sons ou imagens e a comunicação pública por altifalantes ou instrumentos análogos, por fios ou sem fios, nomeadamente por ondas hertzianas, fibras ópticas, cabo ou satélite, quando essa comunicação for feita por outro organismo que não o de origem;</p> <p>f) Qualquer forma de distribuição do original ou de cópias da obra, tal como venda, aluguer ou comodato;</p> <p>g) A tradução, adaptação, arranjo, instrumentação ou qualquer outra transformação da obra;</p> <p>h) Qualquer utilização em obra diferente;</p> <p>i) A reprodução directa ou indirecta, temporária ou permanente, por quaisquer meios e sob qualquer forma, no todo ou em parte;</p> <p>j) A colocação à disposição do público, por fio ou sem fio, da obra por forma a torná-la acessível a qualquer pessoa a partir do local e no momento por ela escolhido;</p> <p>l) A construção de obra de arquitectura segundo o projecto, quer haja ou não repetições.</p> <p>3 - Pertence em exclusivo ao titular do direito de autor a faculdade de escolher livremente os processos e as condições de utilização e exploração da obra.</p> <p>4 - As diversas formas de utilização da obra são independentes umas das outras e a adopção de qualquer delas pelo autor ou pessoa habilitada não prejudica a adopção das restantes pelo autor ou terceiros.</p>	<p>(d) Fixation or adaptation to any device designed for mechanical, electrical, electronic or chemical reproduction, and public performance, broadcast or rebroadcast using such means;</p> <p>(e) Dissemination or broadcast by means of photography, telephotography, television, radio or any other means of reproducing signals, sounds or images and public communication via loudspeakers or similar means, wired or wireless, in particular by means of radio waves, optical fiber, cable or satellite, where such communication is carried out by an entity other than the entity of origin;</p> <p>(f) Any form of distribution of the original or copies of the work, such as by sale, rental or lending;</p> <p>(g) Translation, adaptation, arrangement, setting to music or any other transformation of the work;</p> <p>(h) Any use in another work;</p> <p>(i) Direct or indirect, temporary or permanent reproduction, by any means and in any form, in whole or in part;</p> <p>(j) Making the work available to the public, in wired or wireless form, in such a way as to make it accessible to anyone from any place and at any time of their choosing;</p> <p>(l) Construction of an architectural work according to the project, whether or not there are repetitions.</p> <p>3. The copyright holder alone is entitled to choose freely the processes of and conditions for the use and exploitation of the work.</p> <p>4. The various types of use of the work are independent of each other and the adoption of any of them by the author or authorized person does not prejudice the adoption of the others by the author or third parties.</p> <p>5. Lawful acts to dispose of a work, by first sale or by other means of transfer of ownership, exhaust the right to distribute the original or copies, as tangible copies, of a work in the European Union.</p>
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<p>5 - Os actos de disposição lícitos, mediante a primeira venda ou por outro meio de transferência de propriedade, esgotam o direito de distribuição do original ou de cópias, enquanto exemplares tangíveis, de uma obra na União Europeia.</p>	
<p>Artigo 82.º-B Utilizações permitidas</p> <p>1 - São lícitas, sem o consentimento do titular do direito de autor e direito conexo, as utilizações de uma obra ou outro material, sem intuito lucrativo, em benefício de pessoas beneficiárias nos termos do presente artigo.</p> <p>2 - As utilizações previstas no número anterior referem-se aos atos de reprodução, radiodifusão, comunicação ao público, incluindo a sua colocação à disposição do público, distribuição, comodato, bem como os atos previstos nos artigos 7.º e 12.º do Decreto-Lei n.º 122/2000, de 4 de julho, e os previstos nos artigos 5.º e 8.º do Decreto-Lei n.º 252/94, de 20 de outubro, na sua redação atual, desde que sejam necessários para que:</p> <ul style="list-style-type: none"> a) Uma pessoa beneficiária ou uma pessoa que atue em seu nome faça uma cópia em formato acessível de uma obra ou de outro material a que tenha acesso legal para a utilização exclusiva da mesma; b) Uma entidade autorizada faça uma cópia em formato acessível de uma obra ou outro material a que tenha um acesso legal ou que comunique, coloque à disposição, distribua ou disponibilize em comodato, sem fins lucrativos, uma cópia em formato acessível à pessoa beneficiária ou outra entidade autorizada para efeitos de utilização exclusiva daquela. <p>3 - Cada cópia em formato acessível deverá respeitar a integridade da obra ou outro material, tendo em consideração as alterações necessárias para disponibilizar a obra ou outro material em formato alternativo.</p> <p>4 - A exceção e os modos de exercício das utilizações previstos no presente artigo não</p>	<p>Article 82b Permitted uses</p> <p>1. A work or other material may be used lawfully on a non-profit basis by beneficiaries under the terms of this Article without the consent of the holder of the copyright and related rights.</p> <p>2. The uses provided for in the preceding paragraph include reproduction, broadcast, communication to the public, including making the work or material available to the public, distribution and lending, as well as the acts provided for in Articles 7 and 12 of Decree-Law No. 122/2000, of July 4, and in Articles 5 and 8 of Decree-Law No. 252/94, of October 20, in their current wording, where they are necessary in order for:</p> <ul style="list-style-type: none"> (a) A beneficiary or a person acting on their behalf to make a copy in accessible format of a work or other material to which they have lawful access for their own exclusive use; (b) An authorized entity to make a copy in accessible format of a work or material to which it has lawful access, or to communicate, make available, distribute or make available for lending, on a non-profit basis, a copy in accessible format to the beneficiary or to another authorized entity for their own exclusive use. <p>3. Each copy in accessible format must respect the integrity of the work or other material, taking into account the changes necessary in order to make the work or other material available in an alternative format.</p> <p>4. The exception and the methods of use provided for in this Article must not affect the normal exploitation of the work or other material or unduly harm the legitimate interests of the rights holder.</p>

<p>devem atingir a exploração normal da obra ou outro material, nem causar prejuízo injustificado aos interesses legítimos do titular do direito.</p> <p>5 - É nula a cláusula contratual que vise eliminar ou impedir o exercício normal, pela pessoa beneficiária, das utilizações previstas no presente artigo.</p> <p><i>Aditado pelo seguinte diploma: Lei n.º 92/2019, de 04 de Setembro</i></p>	<p>5. Any contractual clause, the aim of which is to prevent the normal uses by the beneficiary provided for in this Article, shall be null and void.</p> <p><i>Supplemented by the following law: Act No. 92/2019 of September 4, 2019.</i></p>
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12 SAINT LUCIA

[Copyright Act \(Chapter 13.07, Act No. 10 of 1995, as amended by Copyright \(Amendment\) Act, 2000, Revised Edition 2015\)](#)

Original Wording	
<p>8. Nature of Copyright</p> <p>(1) Subject to the provisions of this Act, the owner of copyright shall have the exclusive right to do, authorise, or prohibit the following acts in relation to the work—</p> <ul style="list-style-type: none"> (a) reproduction of the work; (b) translation of the work; (c) adaptation, arrangement or other transformation of the work; (d) the first public distribution of the original and each copy of the work by sale, rental or otherwise; (e) rental or public lending of the original or a copy of an audiovisual work, a work embodied in a sound recording, a computer programme, a data base or a musical work in the form of notation, irrespective of the ownership of the original or copy concerned; (f) importation of copies of the work, even where the imported copies were made with the authorisation of the owner of copyright; (g) public display of the original or a copy of the work; (h) public performance of the work; (i) broadcasting of the work; (j) communication to the public of the work. <p>(2) The rights of rental and lending under subsection (1)(e) do not apply—</p> <ul style="list-style-type: none"> (a) to rental or lending of computer programmes where the programme 	

<p>itself is not the essential object of the rental or lending; or</p> <p>(b) to cinematographic works, unless such commercial rental has led to widespread copying of such works materially impairing the exclusive right of production.</p> <p>(3) The onus of proving that widespread copying of a cinematographic work has materially impaired the exclusive right of production under this section rests upon the person who alleges that such is the case.</p> <p><i>(Inserted by Act 7 of 2000)</i></p>	
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13 SAMOA

[Copyright Act 1998 \(Act No. 25 of 1998, as amended by Act No. 10 of 2011\)](#)

Original Words	
<p>2. Interpretation - In this Act, unless the context otherwise requires:</p> <p>[...]</p> <p>“public lending” means the transfer of the possession of the original or a copy of a work or a sound recording for a limited period of time for non-profit making purposes, by an institution, the services of which are available to the public, such as a public library or archive;</p> <p>[...]</p>	
<p>6. Economic Rights - (1) Subject to the provisions of sections 8 to 15, the author or other owner of copyright shall have the exclusive right to carry out or to authorise the following acts in relation to the work:</p> <ol style="list-style-type: none"> 1. reproduction of the work; 2. translation of the work; 3. adaptation, arrangement or other transformation of the work; 4. the first public distribution of the original and each copy of the work by sale, rental or otherwise; 5. rental or public lending of the original or a copy of an audiovisual work, a work embodied in a sound recording, a computer program, a data base or a musical work in the form of notation, irrespective of 	

<p>the ownership of the original or copy concerned;</p> <p>6. importation of copies of the work, even where the imported copies were made with the authorisation of the author or other owner of copyright;</p> <p>7. public display of the original or a copy of the work;</p> <p>8. public performance of the work;</p> <p>9. broadcasting of the work;</p> <p>10. other communication to the public of the work.</p> <p>(2) The rights of rental and lending under subsection (1)(e) do not apply to rental or lending of computer programs where the program itself is not the essential object of the rental or lending.</p> <p>(3) The rights under this section do not extend to acts in respect of works which have been put on the market anywhere in the world by the copyright owner or with the copyright owner's consent.</p>	
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14 SINGAPORE

[Copyright Act 2021 \(Act No. 22 of 2021, amended by the Statutes \(Miscellaneous Amendments\) Act 2022\)](#)

Original Wording	
<p>Subdivision (8) — Commercial acts</p> <p>What is a commercial dealing in a thing</p> <p>73.— (1) A person deals commercially in a thing if the person —</p> <ul style="list-style-type: none"> (c) sells the thing; (d) lets the thing for hire; (e) by way of trade, offers or exposes the thing for sale or hire; (f) distributes the thing for the purpose of trade; or (g) by way of trade, exhibits the thing in public. <p>(2) “Commercial dealing” has a corresponding meaning.</p> <p>(3) In this section, “thing” includes an article.</p> <p>What does it mean to do an act for commercial advantage</p> <p>74. A person does an act to obtain a “commercial advantage” if and only if the act</p>	

<p>is done to obtain a direct advantage, direct benefit or direct financial gain for a business or trade carried on by the person.</p>	
<p>What is a commercial rental arrangement relating to a computer program or sound recording</p> <p>75.— (1) Subject to subsection (2), a “commercial rental arrangement”, in relation to a computer program or sound recording, is an arrangement with the following features:</p> <ul style="list-style-type: none"> (a) under the arrangement, a copy of the program or recording is made available by a person on terms that it must or may be returned to the person; (b) the arrangement is made in the course of business; (c) the arrangement provides for the copy to be made available — <ul style="list-style-type: none"> (i) for payment in money or money’s worth; or (ii) as part of the provision of a service in return for payment in money or money’s worth. <p>(2) An arrangement is not a commercial rental arrangement if —</p> <ul style="list-style-type: none"> (a) the arrangement is for the lending of a copy of a computer program or sound recording; and (b) the amount payable under the arrangement is intended to be no more than — <ul style="list-style-type: none"> (i) the amount necessary to recover the costs, including overheads, of the arrangement; or (ii) a deposit to secure the return of the copy. <p>(3) In deciding whether an arrangement is a commercial rental arrangement, it is the substance and not the form of the arrangement that matters.</p>	
<p>When is a library run for profit</p> <p>95. A library is not taken to be for-profit just because it is owned by a person carrying on business for profit.</p>	

<p>Administration — copying or communicating material in public collections</p> <p>233.— (1) If the conditions in subsection (2) are met, it is a permitted use to —</p> <ul style="list-style-type: none"> (a) make a copy of any of the following material: <ul style="list-style-type: none"> (i) an authorial work; (ii) a sound recording; (iii) a film; (iv) a recording of a protected performance; or (b) communicate the material. <p>(2) The conditions are —</p> <ul style="list-style-type: none"> (a) the material was or is part of a public collection; (b) the copy or communication is made by or on behalf of the custodian of the public collection; (c) the copy or communication is made for any of the following purposes <ul style="list-style-type: none"> (i) internal record keeping; (ii) internal cataloguing; (iii) insurance; (iv) police investigations or other law enforcement actions; (v) security; (vi) any other administrative purpose; and (d) the copy is not used other than — <ul style="list-style-type: none"> (i) for the purposes mentioned in paragraph (c); or (ii) to create another copy of the material in circumstances to which any permitted use in this Division applies. <p>(3) For the purposes of this Act, the supply of copies of any material in circumstances to which this section applies —</p> <ul style="list-style-type: none"> (a) is not to be treated as publishing the material (or any work or recording included in the material); and (b) must be ignored in determining the duration of any copyright in the material (or the included work). 	
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15 SOUTH AFRICA

[Copyright Act, 1978 \(Act No. 98 of 1978, amended up to Act No. 9 of 2002\)](#)

Original Wording	
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<p>[Sub-s. (4) added by s. 1 (x) of Act 125 of 1992.]</p> <p>(5) For the purposes of this Act the following provisions shall apply in connection with the publication of a work —</p> <ul style="list-style-type: none"> (a) Subject to paragraph (e), a work shall be deemed to have been published if copies of such work have been issued to the public with the consent of the owner of the copyright in the work in sufficient quantities to reasonably meet the needs of the public, having regard to the nature of the work. (b) Publication of a cinematograph film or sound recording is the sale, letting, hire or offer for sale or hire, of copies thereof. (c) A publication shall not be treated as being other than the first publication by reason only of an earlier publication elsewhere within a period of 30 days. (d) Publication shall not include- <ul style="list-style-type: none"> (i) a performance of a musical or dramatic work, cinematograph film or sound recording; (ii) a public delivery of a literary work; (iii) a transmission in a diffusion service; (iv) a broadcasting of a work; (v) an exhibition of a work of art; (vi) a construction of a work of architecture. (e) For the purposes of sections 6, 7 and 11 (b), a work shall be deemed to be published if copies thereof have been issued to the public. <p>[Commencement of s. 1: 30 June 1978 s 1(5) ins by s 1(x) of Act 125 of 1992.]</p>	
<p>Chapter 2</p> <p>Infringements of Copyright and Remedies</p> <p>23 Infringement</p> <p>(1) Copyright shall be infringed by any person, not being the owner of the copyright, who, without the licence of such owner, does or causes any other person to do, in the Republic, any act which the owner has the exclusive right to do or to authorize.</p>	

<p>[Sub-s. (1) substituted by s. 20 (a) of Act 125 of 1992.]</p> <p>(2) Without derogating from the generality of subsection (1), copyright shall be infringed by any person who, without the licence of the owner of the copyright and at a time when copyright subsists in a work-</p> <ul style="list-style-type: none"> (a) imports an article into the Republic for a purpose other than for his private and domestic use; (b) sells, lets, or by way of trade offers or exposes for sale or hire in the Republic any article; (c) distributes in the Republic any article for the purposes of trade, or for any other purpose, to such an extent that the owner of the copyright in question is prejudicially affected; or (d) acquires an article relating to a computer program in the Republic, <p>[Para. (d) inserted by s. 20 (b) of Act 125 of 1992.]</p> <p>if to his knowledge the making of that article constituted an infringement of that copyright or would have constituted such an infringement if the article had been made in the Republic.</p> <p>(3) The copyright in a literary or musical work shall be infringed by any person who permits a place of public entertainment to be used for a performance in public of the work, where the performance constitutes an infringement of the copyright in the work. Provided that this subsection shall not apply in a case where the person permitting the place of public entertainment to be so used was not aware and had no reasonable grounds for suspecting that the performance would be an infringement of the copyright.</p> <p>(4)</p> <p>[Sub-s. (4) deleted by s. 20 (c) of Act 125 of 1992.]</p>	
<p>27 Penalties and proceedings in respect of dealings which infringe copyright</p>	

<p>(1) Any person who at a time when copyright subsists in a work, without the authority of the owner of the copyright —</p> <ul style="list-style-type: none"> (a) makes for sale or hire; (b) sells or lets for hire or by way of trade offers or exposes for sale or hire; (c) by way of trade exhibits in public; (d) imports into the Republic otherwise than for his private or domestic use; (e) distributes for purposes of trade; or (f) distributes for any other purposes to such an extent that the owner of the copyright is prejudicially affected, articles which he knows to be infringing copies of the work, shall be guilty of an offence. <p>[Sub-s. (1) substituted by s. 11 (a) of Act 52 of 1984 and by s. 3 of Act 61 of 1989.</p>	
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16 ZANZIBAR

[Zanzibar Copyright Act, 2003 \(Act No. 14 of 2003\)](#)

Original Wording	
<p>Economic Rights</p> <p>6.(1) Subject to the provisions of sections 9 to 17, the author or other owner of copyright shall have the exclusive right to carry out or to authorize the following acts in relation to the work:</p> <ul style="list-style-type: none"> (a) reproduction of the work; (b) translation of the work; (c) adaptation, arrangement or other transformation of the work; (d) distribution to the public by sale, rental, public lending or otherwise of the original or a copy of the work that has not already been subject to a distribution authorized by the owner of copyright; (e) rental or public lending of the original or a copy of an audiovisual work, a work embodied in a sound recording, a computer program, a database or a musical work in the form of notation, irrespective of the 	

<p>ownership of the original or copy concerned;</p> <ul style="list-style-type: none">(f) importation of copies of the work;(g) public display of the original or a copy of the work;(h) public performance of the work;(i) broadcasting of the work;(j) other communication to the public of the work. <p>(2) The rights of rental and lending under paragraph (e) of subsection (1), of this section do not apply to rental or lending of computer programs where the program itself is not the essential object of the rental or lending.</p>	
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PART B: EXAMPLES IN LANGUAGES SUPPORTED BY NON-OFFICIAL TRANSLATION¹

17 ALBANIA

[Act No. 35/2016 of March 31, 2016, on Copyright and Related Rights](#)

Original Wording (Albanian)	Machine Translation
<p>Neni 32 E drejta e huadhënies publike</p> <p>1. Në zbatim të këtij ligji, “huadhënie publike” është vënia në dispozicion për përdorim e një vepre për një periudhë të kufizuar kohe dhe jo për përfitime të drejtpërdrejta ose të tërthorta pasurore apo tregtare, përmes institucioneve që lejojnë aksesin e publikut dhe që, për këtë qëllim, kryejnë këtë aktivitet si shërbim publik.</p> <p>2. Autorët kanë të drejtën ekskluzive të autorizimit apo ndalimit të huadhënies publike të veprave, me përjashtim të rasteve të parashikuara ndryshe nga ky ligj, në të cilat autorët gëzojnë vetëm të drejtën për marrjen e shpërblimit të drejtë për përdorimin publik të veprës së tyre.</p> <p>3. Autorët e veprave audiovizuale, veprave të trupëzuara në fonograme dhe programe kompjuterike kanë të drejtë ekskluzive për lejimin ose ndalimin e huadhënies publike të veprave të tyre. Huadhënia e këtyre veprave do të vendoset pas 6 muajve pas shpërndarjes së parë të veprës.</p> <p>4. Pikat e mësipërme nuk zbatohen për përdorimin e origjinalit ose ekzemplarëve të veprave në Bibliotekën Kombëtare, institucionet arsimore/akademike, si dhe në bibliotekat publike me hyrje të lirë/pa pagesë, strukturat arkitekturore, të origjinalit ose ekzemplarëve të veprave të arteve të aplikuara, të origjinalit ose ekzemplarëve të veprave për qëllimin e përcjelljes në publik.</p> <p>5. Autorët e veprave letrare dhe veprave muzikore në formën e fletës së pentagramit kanë të drejtën të marrin shpërblim të drejtë për dhënien e veprës së tyre publikut për huapërdorje.</p>	<p>Article 32 Public lending right</p> <p>1. For the purposes of this Act, “public lending” means the making available for use of a work for a limited period of time and not for direct or indirect financial or commercial gain, through institutions that allow public access and that, for this purpose, carry out this activity as a public service.</p> <p>2. Authors shall have the exclusive right to authorize or prohibit the public lending of their works, except in cases otherwise provided for by this Act, in which authors shall enjoy only the right to receive fair remuneration for the public use of their work.</p> <p>3. Authors of audiovisual works, works embodied in phonograms and computer programs shall have the exclusive right to authorize or prohibit the public lending of their works. The lending of these works shall be decided upon six months after the first distribution of the work.</p> <p>4. The above points do not apply to the use of the original or copies of works in the National Library, in educational/academic institutions, as well as in public libraries with free/free access, architectural structures, of the original or copies of works of applied arts, of the original or copies of works for the purpose of communication to the public.</p> <p>5. Authors of literary works and musical works in the form of a pentagram sheet have the right to receive fair remuneration for making their work available to the public for lending.</p> <p>6. The author may not waive the right referred to in point 2 of this Article.</p>

¹ The English translation below has been generated using machine translation and is provided as a courtesy for information purposes only. Although the translated text has been reviewed, its accuracy, completeness or reliability cannot be guaranteed.

<p>6. Autori nuk mund të heqë dorë nga e drejta e përmendur në pikën 2 të këtij neni.</p> <p>7. Me përjashtim të përcaktimit në pikën 1, të këtij neni, autorët e bazave të të dhënave do të kenë të drejtën ekskluzive të huazimit publik të origjinaleve ose të kopjeve të bazave të tyre të të dhënave.</p> <p>8. Procedura dhe mënyra e shpërblimit të drejtë për huadhënien publike, në kuptim të këtij neni, përcaktohen me vendim të Këshillit të Ministrave.</p>	<p>7. With the exception of the provision in point 1 of this Article, authors of databases shall have the exclusive right of public lending of the originals or copies of their databases.</p> <p>8. The procedure and method of fair remuneration for public lending, within the meaning of this article, shall be determined by decision of the Council of Ministers.</p>
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18 ARMENIA

2013 Copyright and Related Rights Act

Original Wording (Armenian)	Machine Translation
<p>Հոդված 13. Հեղինակի գույքային իրավունքները</p> <p>1. Գույքային իրավունքներն ապահովում են հեղինակի նյութական շահերը՝ տալով հեղինակին բացառիկ իրավունք՝ թույլատրելու կամ արգելելու իր ստեղծագործության կամ դրա օրինակների օգտագործումը:</p> <p>Հեղինակը բացառիկ իրավունք ունի օգտագործելու իր ստեղծագործությունը ցանկացած ձևով եւ եղանակով, ինչպես նաեւ երրորդ անձանց թույլատրելու կամ արգելելու դրա օգտագործումը, մասնավորապես՝</p> <p>ա) ստեղծագործության վերարտադրումը (վերարտադրման իրավունք).</p> <p>բ) ստեղծագործության տարածումը (տարածման իրավունք).</p> <p>գ) ստեղծագործության բնօրինակը կամ օրինակները վարձույթով տալը (վարձույթով տալու իրավունք).</p> <p>դ) ստեղծագործության բնօրինակի կամ օրինակների փոխատվությունը (փոխատվության իրավունք).</p> <p>[...]</p>	<p>Article 13. Author's Property Rights</p> <p>1. Property rights secure the author's material interests by granting the author the exclusive right to authorize or prohibit the use of the work or copies thereof.</p> <p>The author has the exclusive right to use the work in any form and manner, as well as to authorize or prohibit its use by third parties, in particular:</p> <p>(a) reproduction of the work (right of reproduction)</p> <p>(b) distribution of the work (right of distribution).</p> <p>(c) rental of the original or copies of the work (right of rental).</p> <p>(d) lending of the original or copies of the work (right of lending).</p> <p>[...]</p>

<p>Հոդված 16. Վարձույթը</p> <p>Սույն օրենքի իմաստով վարձույթ է համարվում ստեղծագործության բնօրինակի կամ օրինակների սահմանափակ ժամանակահատվածով օգտագործման տրամադրումը՝ ուղղակի կամ անուղղակի տնտեսական կամ առեւտրային օգուտ ստանալու նպատակով:</p>	<p>Article 16. Rental</p> <p>For the purposes of this Act, rental means making the original or copies of a work available for use over a limited period of time for the purpose of obtaining direct or indirect economic or commercial benefit.</p>
<p>Հոդված 17. Փոխատվությունը</p> <p>Սույն օրենքի իմաստով փոխատվություն է համարվում ստեղծագործության բնօրինակի կամ օրինակների սահմանափակ ժամանակահատվածով օգտագործման տրամադրումը հանրային ազատ այցելության համար նախատեսված հաստատությունների միջոցով՝ առանց ուղղակի կամ անուղղակի տնտեսական կամ առեւտրային օգուտ ստանալու:</p>	<p>Article 17. Lending</p> <p>For the purposes of this Act, lending means making the original or copies of a work available for use over a limited period of time through institutions intended for free public access, but not for the purpose of receiving direct or indirect economic or commercial benefit.</p>
<p>Հոդված 35. Համակարգչային ծրագիրը եւ դրա նկատմամբ հեղինակային իրավունքը</p> <p>1. Սույն օրենքի իմաստով համակարգչային ծրագիր է համարվում ցանկացած ձեւով արտահայտված ծրագիրը, ներառյալ՝ դրա ստեղծման համար անհրաժեշտ նախապատրաստական նյութերը:</p> <p>Համակարգչային ծրագիրը պահպանվում է, եթե դա յուրօրինակ է եւ հեղինակի մտավոր ստեղծագործական աշխատանքի արդյունք է:</p> <p>2. Եթե սույն օրենքի 36-րդ հոդվածով այլ բան նախատեսված չէ, ապա համակարգչային ծրագրի հեղինակը բացառիկ իրավունք ունի կատարելու կամ թույլատրելու հետեւյալ գործողությունները՝</p> <p>ա) համակարգչային ծրագրի մշտական կամ ժամանակավոր վերարտադրությունը ցանկացած միջոցներով եւ ձեւով, մասամբ կամ ամբողջությամբ: Եթե համակարգչային ծրագրի լիաբեռնման, ցուցադրման, գործարկման, տարածման կամ պահեստավորման համար անհրաժեշտ է դրա վերարտադրումը, ապա անհրաժեշտ է հեղինակի թույլտվությունը:</p>	<p>Article 35. Computer program and copyright thereto</p> <p>1. For the purposes of this Act, a computer program is a program expressed in any form, including the preparatory materials necessary for its creation.</p> <p>A computer program is protected if it is unique and is the result of the author's intellectual creative work.</p> <p>2. Unless otherwise provided for in Article 36 of this Act, the author of a computer program has the exclusive right to perform or authorize the following actions:</p> <p>(a) permanent or temporary reproduction of a computer program by any means and in any form, in part or in whole. If its reproduction is necessary for the loading, display, operation, distribution or storage of a computer program, then the author's permission is required;</p> <p>(b) translation, development, adaptation or any other changes to a computer program and the reproduction of their results, without infringing the rights of the person who made those changes with the author's permission;</p>

բ) համակարգչային ծրագրի թարգմանությունները, մշակումները, հարմարեցումները կամ ցանկացած այլ փոփոխությունները եւ դրանց արդյունքների վերարտադրումը՝ առանց խախտելու իր թույլտվությամբ այդ փոփոխությունները կատարող անձի իրավունքները:	(c) distribution of the original or copies of a computer program in any form, including by means of rental or lending.
գ) ցանկացած ձեւով համակարգչային ծրագրի բնօրինակի կամ օրինակների տարածումը, ներառյալ՝ վարձույթով տալը եւ փոխատվությունը:	

19 BOSNIA AND HERZEGOVINA

[2010 Copyright and Related Rights Act](#)

Original Wording (Bosnian)	WIPO Lex
<p>Član 34. (Pravo na naknadu za davanje na poslugu)</p> <p>(1) Autor ima pravo na odgovarajuću naknadu ako se original ili primjerak njegovog djela daju na poslugu putem javnih biblioteka, odnosno drugih institucija kojima je to djelatnost.</p> <p>(2) Davanje na poslugu, u smislu ovog zakona, znači davanje na upotrebu u vremenski ograničenom periodu, bez ostvarivanja posredne ili neposredne privredne koristi.</p> <p>(3) Odredbe st. (1) i (2) ovog člana ne odnose se na upotrebu:</p> <ul style="list-style-type: none"> a) originala ili primjeraka bibliotečkog materijala u nacionalnim bibliotekama, bibliotekama javnih obrazovnih institucija i javnim specijaliziranim bibliotekama, b) arhitektonskih objekata, c) originala ili primjeraka djela primijenjenih umjetnosti i industrijskog oblikovanja, d) originala ili primjeraka djela radi saopćavanja javnosti, e) originala ili primjeraka djela radi uvida na licu mjesta ili za njihovo pozajmljivanje između javnih ustanova, f) u okviru radnog odnosa, ako je upotreba ograničena isključivo na vršenje radnih obaveza iz tog odnosa. 	<p>Article 34 (Right to remuneration for public lending)</p> <p>(1) The author shall have the right to equitable remuneration if the original or a copy of the work is lent by libraries or other institutions performing such activity.</p> <p>(2) Public lending, within the meaning of this Act, means allowing use for a limited period of time, without direct or indirect economic benefit.</p> <p>(3) The provisions of paragraphs (1) and (2) of this Article shall not apply to the use of:</p> <ul style="list-style-type: none"> (a) originals or copies of library material in national libraries, libraries at public educational institutions and public specialized libraries; (b) architectural structures; (c) originals or copies of works of applied art and industrial design; (d) originals or copies of works for the purpose of communication to the public; (e) originals or copies of works for on-the-spot reference or lending thereof among public institutions; (f) works where use is confined to the performance of work-related duties in the context of employment. <p>(4) The author has the exclusive right to lend the originals or copies of computer programs and databases.</p>

(4) Davanje na poslugu originala ili primjeraka kompjuterskih programa i baza podataka je isključivo pravo njihovog autora.	
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20 BULGARIA

[Copyright and Neighboring Rights Act \(SG No. 56/1993, as amended up to December 13, 2019\)](#)

Original Wording (Bulgarian)	WIPO Lex
<p>Право на възнаграждение при отдаване под наем или в заем Чл. 22а. (Нов -ДВ, бр. 99 от 2005 г., в сила от 10.01.2006 г.)</p> <p>(1) Когато автор на музикално или аудио-визуално произведение е предоставил правото си на отдаване под наем на звуко-и видеоносители, съдържащи произведението му, на продуцента на съответния звукозапис или филм, лицето, което отдава под наем такива носители, дължи на автора справедливо възнаграждение отделно от всяко друго. Всеки отказ от такова възнаграждение от страна на автора е недействителен. Правото на това възнаграждение може да бъде предоставено предварително от автора чрез организации за колективно управление на права или пряко.</p> <p>(2) За даване в заем на произведения или екземпляри от носители, които ги съдържат, авторите им имат право на възнаграждение, дължимо от лицето, което ги дава в заем.</p> <p>(3) Разпоредбите на ал. 1 и 2 не се отнасят до произведенията на архитектурата, приложните изкуства и народните художествени занаяти.</p> <p>(4) Алинея 2 не се прилага при даване в заем от държавни и общински културни организации, осъществяващи дейност на библиотеки, училищни, университетски и читалищни библиотеки.</p> <p>(5) Възнагражденията по ал. 2 се събират само чрез организации за колективно управление на съответните категории авторски права. Размерът и начинът на плащането им се определя по</p>	<p>Right to remuneration for rental or lending Art. 22a. (new – State Gazette issue No. 99, 2005, in force since 10.01.2006)</p> <p>(1) Where author of a musical or audiovisual work has conceded the rental right for audio or video media containing the work to the respective phonogram or film producer, the person renting such media shall pay to the author fair remuneration separately from any other. Any waiver of such remuneration by the author shall be invalid. The right to such remuneration may be conceded in advance by the author through collective management organizations.</p> <p>(2) In the case of lending of works or copies of the media containing them, the authors shall be entitled to remuneration by the person lending them.</p> <p>(3) The provisions of paragraphs 1 and 2 of this Article shall not apply to works of architecture, the applied arts or national artistic crafts.</p> <p>(4) The provisions of paragraph 2 shall not apply to lending by national and municipal cultural organizations conducting activities as libraries, schools, universities and culture center libraries.</p> <p>(5) The remuneration referred to in paragraph 2 shall be collected only by the appropriate collective management organizations. The amount and method of payment shall be determined by agreement between those organizations and the persons having an obligation to pay.</p>

споразумење меѓу тези организации и задължените лица.

21 KOSOVO

Act No. 04/L-065 Për Të Drejtat E Autorit Dhe Të Drejtat E Përafërta

Original Wording (Albanian)	Other source
<p>Neni 22 Shfrytëzimi i veprës</p> <p>1. Vepra e autorit mund të shfrytëzohet në formë lëndore, jolëndore dhe të modifikuar.</p> <p>2. Shfrytëzimi i veprës në formën lëndore përfshin në veçanti të drejtat ekskluzive të autorit si në vijim:</p> <p>[...]</p> <p>2.3. të drejtën e qiradhënies;</p> <p>3. Shfrytëzimi i veprës në formë jolëndore përfshin në veçanti të drejtat ekskluzive të autorit si në vijim:</p> <p>3.1. të drejtën e interpretimit publik;</p> <p>3.2. të drejtën e shfrytëzimit nga "Shërbyesit medial audiovizual";</p> <p>3.3. të drejtën e komunikimit publik me anë të fonogrameve dhe videogrameve;</p> <p>3.4. të drejtën e shfaqjes publike;</p> <p>3.5. të drejtën e vënies së veprës në dispozicion të publikut.</p>	<p>Article 22 Use of the work</p> <p>1. The work of an author shall be used in thematic, non-thematic and modified form.</p> <p>2. Use of works in thematic form includes, in particular, the author's exclusive rights as follows:</p> <p>[...]</p> <p>2.3. rental right,</p> <p>3. The use of work in non-thematic form includes, in particular, the author's exclusive right as follows:</p> <p>3.1. the right to public performance;</p> <p>3.2. the right to use by the "Audiovisual media service";</p> <p>3.3. the right to public communication through phonograms and videograms;</p> <p>3.4. the right to public disclosure;</p> <p>3.5. the right to make the work available to public.</p>
<p>Neni 25 E drejta e qiradhënies</p> <p>1. E drejta e qiradhënies është e drejtë ekskluzive e autorit ta lejojë apo ta ndalojë që origjinali apo ekzemplarët e veprës së tij të jepen në shfrytëzim për afat të caktuar, përmes përfitimit të drejtpërdrejtë apo të tërthortë pasuror.</p> <p>2. Dispozitat nga paragrafi 1. i këtij neni nuk zbatohen për shfrytëzimin e:</p> <p>2.1. veprës së ndërtuar arkitekture;</p> <p>2.2. origjinalit ose të ekzemplarëve të Veprave të arteve aplikative dhe të dizajnit industrial;</p>	<p>Article 25 Lending right</p> <p>1. The author has the exclusive right to authorize or prohibit the lending of the original work or copies thereof for a limited period of time, with the aim of receiving, directly or indirectly, property benefits.</p> <p>2. The provisions of paragraph 1 of this Article do not apply to the use of:</p> <p>2.1. architectural structures;</p> <p>2.2. the original or copies of works of the applied arts or industrial design;</p> <p>2.3. the original or copies of work, when viewed on the spot within the facilities of institution.</p>

<p>2.3. veprës në rast të shikimit të atypëratyshëm, origjinalit ose të kopjeve të saj në hapësira të institucionit.</p> <p>3. Autori i cili të drejtën e vet të qiradhënies ia ka kaluar prodhuesit të fonogrameve apo producentit të filmit mban të drejtën e kompensimit të drejtë nga qiradhënia</p>	<p>3. The author who assigns lending rights to a phonogram or film producer retains the right to remuneration from the lending of the work.</p>
<p>Neni 160 Sfera e administrimit kolektiv të të drejtave</p> <p>1. Administrimi kolektiv i të drejtave lejohet vetëm lidhur me lëndët e mbrojtura tashmë të publikuara dhe në rastet që kanë të bëjnë me:</p> <p>[...]</p> <p>1.3. huadhënien publike të origjinaleve ose kopjeve të veprave;</p> <p>[...]</p>	<p>Article 160 The scope of activity of the collective management of rights</p> <p>1. The collective management of rights is allowed only on the protected works already published and on the cases dealing with:</p> <p>[...]</p> <p>1.3. public lending of the original or copies of works;</p> <p>[...]</p>
<p>Neni 180 Mbrojtja e informacioneve të realizimit të të drejtave</p> <p>1. Konsiderohet se një person ka shkelur të drejtat ekskluzive që mbrohet nga ky ligj kur bën një nga veprimet e mëposhtme, me të cilin nxit, mundëson, lehtëson ose fsheh shkeljet e të drejtave nga ky ligj siç janë:</p> <p>1.1. heqja ose ndryshimi i cilit do informacion elektronik lidhur me administrimin e të drejtave;</p> <p>1.2. riprodhimi, importi për shpërndarje, qiradhënia ose komunikimi publikut të një lënde të mbrojtur, në të cilën informacioni elektronik i administrimit të të drejtave është hequr apo ndryshuar pa autorizim përkatës.</p> <p>2. Informacion i administrimit të të drejtave në kuptimin e paragrafit 1. të këtij neni konsiderohet çdo informacion i futur nga ana e bartësit të të drejtës, me të cilin identifikohet lënda që është objekt i të drejtave, autori, bartësi i të drejtës, kohëzgjatja dhe kushtet e përdorimit, si</p>	<p>Article 180 Protection of rights enforcement information</p> <p>1. It is considered that a person has infringed the exclusive rights protected by this Act when he carries out one of the below listed activities, by which he encourages, enables, facilitates or hides the infringement of rights from this Act, such as:</p> <p>1.1. removal or modification of any electronic information regarding the management of the rights;</p> <p>1.2. reproduction, import for distribution, lending or public communication of a protected work, where the electronic information of rights administration was removed or modified without the relevant authorization.</p> <p>2. For the purpose of paragraph 1 of this Article, information on rights management is considered all information entered by the rights holder, by which the object of the right, duration and terms of use are identified, and their respective numbers and codes signed on the copy of the protected work or appear at the time of communication of the protected work.</p>

dhe numrat dhe kodet e tyre përkatëse që shënohen në ekzemplarin e lëndës së mbrojtur ose që shfaqen me rastin e komunikimit të lëndës së mbrojtur.	
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22 REPUBLIC OF MOLDOVA

[Act No. 230 of July 28, 2022, on Copyright and Neighboring Rights](#)

Original Wording (Romanian)	WIPO Lex
<p>Articolul 3. Noțiuni principale</p> <p>În sensul prezentei legi, următoarele noțiuni semnifică:</p> <p>[...]</p> <p>împrumut – punere la dispoziție în scopul utilizării, pentru o perioadă limitată de timp și fără obținerea unui avantaj economic sau comercial direct sau indirect, a unei opere sau a unui obiect de drept conex, atunci când aceasta se realizează prin intermediul unor unități accesibile publicului;</p> <p>[...]</p> <p>închiriere – punere la dispoziție în scopul utilizării, pentru o perioadă limitată de timp și pentru obținerea unui avantaj economic sau comercial, direct sau indirect, a unei opere sau a unui obiect de drept conex;</p>	<p>Article 3. Main Notions</p> <p>The following terms are used in the present Act:</p> <p>[...]</p> <p>lending - making available for use, for a limited period of time and without direct or indirect economic or commercial advantage, a work or a subject-matter of related rights, where it is made through publicly accessible establishments;</p> <p>[...]</p> <p>rental - making available for use, for a limited period of time and for direct or indirect economic or commercial advantage, a work or a subject-matter of related rights;</p>
<p>Articolul 11. Drepturile patrimoniale</p> <p>Autorul sau titularul dreptului de autor, cu excepția autorului unui program pentru calculator, ale cărui drepturi patrimoniale exclusive sunt definite la art. 25, și a autorului bazei de date, ale cărui drepturi exclusive sunt definite la art. 48, are dreptul patrimonial exclusiv să permită sau să interzică utilizarea operei sale, inclusiv prin:</p> <ol style="list-style-type: none"> reproducerea operei distribuirea operei; închirierea operei, cu excepția operelor de arhitectură și a operelor de artă aplicată; împrumutul operei; importul exemplarelor operei în vederea distribuirii, inclusiv al exemplarelor confecționate cu consimțământul autorului sau al titularului dreptului de autor; 	<p>Article 11. Economic Rights</p> <p>The author or other copyright holder, with the exception of the author of a computer program whose exclusive economic rights are defined in Article 25 and the author of the database whose exclusive rights are defined in Article 48, has the exclusive right to authorize or prohibit the use of his/her work, including by:</p> <ol style="list-style-type: none"> reproduction of the work; distribution of the work; rental of the work, with the exception of architectural works and works of applied art; lending of the work; importation of copies of the work for distribution, including copies made with the consent of the author or other copyright holder;

<ul style="list-style-type: none"> f. comunicarea publică a operei; g. punerea la dispoziția publicului a operei; h. radiodifuzarea operei; i. retransmiterea prin cablu a operei; j. retransmisia operei; k. realizarea de opere derivate (traduceri, adaptări, aranjamente, transformări sau modificări ale operei). 	<ul style="list-style-type: none"> f) communication to the public of the work; g) making the work available to the public; h) broadcasting of the work; i) retransmission by cable of the work; j) retransmission of the work; k) making of derivative works (translations, adaptations, arrangements, transformations or modifications of the work).
<p>Articolul 19. Opera audiovizuală</p> <p>[...]</p> <p>(9) Prin contractele încheiate între autorii operei audiovizuale și producător, în lipsa unei prevederi contrare, se prezumă că aceștia, cu excepția autorilor muzicii special create, îi cedează producătorului drepturile patrimoniale exclusive privind utilizarea operei în ansamblul său, prevăzute la art. 11, precum și dreptul de a autoriza dublarea și subtitrarea, în schimbul unei remunerații echitabile. În cazul drepturilor exclusive de închiriere și împrumut se aplică dispozițiile art. 81.</p> <p>(10) În lipsa unei prevederi contrare, interpreții care au participat la realizarea unei opere audiovizuale se prezumă că cedează producătorului acesteia, în schimbul unei remunerații echitabile, drepturile exclusive de reproducere, distribuire și import, precum și drepturile de închiriere și împrumut, în condițiile art. 81.</p> <p>[...]</p> <p>(13) În condițiile art. 36, producătorul este obligat să remită autorilor, periodic, situația încasărilor percepute după fiecare mod de utilizare. Autorii primesc remunerațiile cuvenite fie prin intermediul producătorului, fie direct de la utilizatori, fie prin organizațiile de gestiune colectivă, pe baza contractelor generale încheiate de acestea cu utilizatorii. Pentru dreptul de închiriere sau împrumut, autorii primesc remunerația conform prevederilor art. 81.</p>	<p>Article 19. Audiovisual work</p> <p>[...]</p> <p>(9) Contracts concluded between the authors of the audiovisual work and the producer, unless otherwise stated, shall be presumed, with the exception of authors of specially created music, to assign to the producer the exclusive rights to use the work as a whole, as provided for in Article 11, and the right to authorize dubbing and subtitling, in return for fair remuneration. The provisions of Article 81 shall apply to exclusive rental and lending rights.</p> <p>(10) In the absence of a provision to the contrary, performers who participated in the production of an audiovisual work shall be presumed to assign to its producer, in exchange for a fair remuneration, the exclusive rights of reproduction, distribution and import, and rental and lending rights in accordance with Article 81.</p> <p>[...]</p> <p>(13) Pursuant to the conditions laid down in Article 36, the producer shall be obliged to send to the authors, periodically, the statement of collected receipts after each mode of use. The authors receive their due remunerations either through the producer or directly from the users, or through the collective management organizations, on the basis of the general contracts concluded by them with the users. For the rental right and lending right, authors shall receive the remuneration in accordance with the provisions of Article 81.</p>

<p>Articolul 42. Drepturile patrimoniale exclusive ale interpreților</p> <p>(1) Interpretul are dreptul patrimonial exclusiv de a autoriza sau de a interzice următoarele:</p> <p>[...]</p> <p>e) împrumutul interpretării sau al execuției sale fixate;</p> <p>[...]</p> <p>(3) În vederea exercitării drepturilor patrimoniale exclusive privind autorizarea prevăzută la alin. (1), interpreții care participă, în mod colectiv, la aceeași interpretare ori execuție, cum ar fi membrii unui grup muzical, ai unui cor, ai unei orchestre, ai unui corp de balet sau ai unei trupe teatrale, trebuie să împuternicească, în scris, un reprezentant dintre ei cu acordul majorității membrilor.</p> <p>(4) Sunt exceptați de la prevederile alin. (3) regizorul, dirijorul și soliștii.</p> <p>(5) În cazul în care un interpret a transmis, prin contract de cesiune, unui producător de fonograme, videograme sau de opere audiovizuale dreptul său de închiriere sau împrumut prevăzut la alin. (1) lit. d) și e), interpretul își păstrează dreptul la o remunerație echitabilă, asupra căreia părțile vor conveni de comun acord.</p> <p>[...]</p>	<p>Article 42. Exclusive Economic Rights of Performers</p> <p>(1) The performer shall enjoy the exclusive right to authorize or prohibit the following</p> <p>[...]</p> <p>e) the lending of the fixed performance or execution;</p> <p>[...]</p> <p>(3) For the purpose of exercising the exclusive rights to the authorization provided for in paragraph (1), performers who collectively participate in the same performance or execution, such as members of a musical group, choir, orchestra, ballet or theatrical band, shall mandate, in writing, a representative from among themselves, with the consent of a majority of the members.</p> <p>(4) The director, conductor and soloists shall be exempted from paragraph (3).</p> <p>(5) Where a performer has, by assignment contract, transferred to a producer of phonograms, videograms or audiovisual works his/her rental and lending right provided for in paragraph (1) letter d) and e), the performer shall retain the right to equitable remuneration, on which the parties shall agree by mutual agreement.</p> <p>[...]</p>
<p>Articolul 43. Drepturile producătorilor de fonograme</p> <p>Producătorul de fonograme are dreptul patrimonial exclusiv de a autoriza sau de a interzice următoarele:</p> <p>[...]</p> <p>(d) împrumutul propriilor fonograme;</p> <p>[...]</p>	<p>Article 43. Rights of Phonogram Producers</p> <p>The phonogram producer shall enjoy the exclusive right to authorize or prohibit the following:</p> <p>[...]</p> <p>d) the lending of his/her own phonograms;</p> <p>[...]</p>
<p>Articolul 45. Drepturile organizațiilor de radiodifuziune și televiziune</p>	<p>Article 45. Rights of Radio and TV Broadcasting Organizations</p>

<p>(1) Organizațiile de radiodifuziune și de televiziune au dreptul patrimonial exclusiv de a autoriza, cu obligația pentru cel autorizat de a menționa denumirile organizațiilor, sau de a interzice următoarele:</p> <p>[...]</p> <p>h) împrumutul propriilor emisiuni și servicii de programe de radiodifuziune sau de televiziune fixate pe orice fel de suport;</p> <p>[...]</p>	<p>(1) Radio and TV broadcasting organizations shall have the exclusive right to authorize, with the obligation for the authorized person to mention the names of the organizations, or to prohibit the following:</p> <p>[...]</p> <p>h) the lending of their own broadcasts and radio or television program broadcasting services fixed on any medium;</p> <p>[...]</p>
<p>Articolul 50. Dreptul sui generis. Obiectul protecției</p> <p>(1) Producătorul unei baze de date care dovedește că a făcut o investiție substanțială din punct de vedere calitativ și/sau cantitativ în obținerea, verificarea sau prezentarea conținutului ei are dreptul să interzică extragerea și/sau reutilizarea conținutului integral ori a unei părți substanțiale, evaluate calitativ și/sau cantitativ, a acelei baze de date.</p> <p>(2) Împrumutul public al unei baze de date nu este un act de extragere sau de reutilizare.</p> <p>[...]</p>	<p>Article 50. The “<i>Sui generis</i>” Right. Subject-Matter of Protection</p> <p>(1) The producer of a database who proves that he has made qualitatively and/or quantitatively a substantial investment in obtaining, verification or presentation of its contents shall be entitled to prohibit the extraction and/or re-utilization of the whole or of a substantial part, evaluated qualitatively and/or quantitatively, of that database.</p> <p>(2) Public lending of a database is not an act of extraction or re-utilization.</p> <p>[...]</p>
<p>Articolul 58. Excepții în beneficiul persoanelor nevăzătoare, cu deficiențe de vedere sau cu dificultăți de citire a materialelor imprimate</p> <p>(1) Sunt permise, fără consimțământul autorului sau al titularilor de drepturi și fără plata vreunei remunerații, reproducerea, distribuirea, comunicarea publică, punerea la dispoziția publicului, radiodifuzarea, închirierea și împrumutul unei opere în beneficiul persoanelor nevăzătoare, cu deficiențe de vedere sau cu dificultăți de citire a materialelor imprimate și fiind de natură necomercială, în scopul:</p> <p>a) realizării de către o persoană beneficiară sau o persoană care acționează în numele acesteia a unui exemplar în format accesibil al unei opere sau al unui alt obiect protejat prin drept de autor sau drepturi conexe la care persoana beneficiară</p>	<p>Article 58. Exceptions for the Benefit of Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled</p> <p>(1) The reproduction, distribution, communication to the public, broadcasting, making available to the public, rental and lending of a work for the benefit of persons who are blind, visually impaired or otherwise print disabled and of a non-commercial nature shall be permitted, without the consent of the author or rightholder and without payment of any remuneration, for the purpose of:</p> <p>a) making by a beneficiary person or a person acting on his/her behalf of an accessible format copy of a work or other subject-matter protected by copyright or related rights to which the beneficiary person has lawful access for the exclusive use of the beneficiary person;</p>

<p>are acces în mod legal, pentru uzul exclusiv al persoanei beneficiare;</p> <p>b) realizării de către o entitate autorizată a unui exemplar în format accesibil al unei opere sau al unui alt obiect protejat prin drept de autor sau drepturi conexe la care persoana beneficiară are acces în mod legal sau în scopul comunicării publice, punerii la dispoziția publicului, distribuirii ori împrumutului, fără scop lucrativ, al unui exemplar în format accesibil către o persoană beneficiară sau o altă entitate autorizată pentru utilizarea exclusivă de către o persoană beneficiară.</p> <p>[...]</p>	<p>b) making by an authorized entity of an accessible format copy of a work or other subject-matter protected by copyright or related rights to which the beneficiary person has lawful access or communication to the public, making available to the public, distribution or lending an accessible format copy to a beneficiary person or another authorized entity on a non-profit basis for the exclusive use by a beneficiary person.</p> <p>[...]</p>
<p>Secțiunea 1 Gestiunea colectivă obligatorie Articolul 70. Obiectul gestiunii</p> <p>(1) Gestiunea colectivă obligatorie presupune gestionarea dreptului de autor și a drepturilor conexe doar prin intermediul organizației de gestiune colectivă desemnată colector, în condițiile art. 103.</p> <p>(2) Sunt gestionate colectiv obligatoriu următoarele drepturi:</p> <p>[...]</p> <p>h) dreptul la remunerație echitabilă pentru împrumut public, conform prevederilor art. 77;</p> <p>[...]</p>	<p>Section 1 Mandatory Collective Management Article 70. Subject-Matter of Management</p> <p>(1) Mandatory collective management involves the management of copyright and related rights only through the collective management organization designated as collector, pursuant to Article 103.</p> <p>(2) The following rights shall be mandatory collectively managed:</p> <p>[...]</p> <p>h) right to equitable remuneration for public lending, in accordance with the provisions of Article 77;</p> <p>[...]</p>
<p>Articolul 77. Dreptul la remunerație echitabilă pentru împrumut public</p> <p>(1) Împrumutul efectuat prin biblioteci nu necesită autorizare din partea autorului sau titularului dreptului de autor, dar dă acestuia dreptul la o remunerație echitabilă. Acest drept nu poate face obiectul unei renunțări.</p> <p>(2) Remunerația echitabilă prevăzută la alin. (1) nu se datorează în cazul în care împrumutul este realizat prin bibliotecile din</p>	<p>Article 77. Right to Equitable Remuneration for Public Lending</p> <p>(1) No authorization shall be required from the author or the copyright holder for lending by libraries, but it entitles him/her to an equitable remuneration. This right cannot be waived.</p> <p>(2) The equitable remuneration provided for in paragraph (1) shall not be due where the lending is made through libraries in educational institutions, defined in</p>

<p>institutiile de învățământ, definite conform Legii nr. 160/2017 cu privire la biblioteci.</p> <p>(3) Cuantumul remunerațiilor se stabilește prin hotărâre de Guvern, iar colectarea acestora se realizează conform dispozițiilor art. 103 și 104.</p>	<p>accordance with Act No.160/2017 on Libraries.</p> <p>(3) The amount of the remuneration shall be determined by Government Decision, and their collection shall be carried out in accordance with the provisions of Articles 103 and 104.</p>
<p>Articolul 81. Dreptul la remunerație echitabilă, rezervat autorilor și interpreților după cesionarea drepturilor exclusive de închiriere sau împrumut</p> <p>(1) Autorul sau interpretul păstrează dreptul de a obține o remunerație echitabilă în cazul în care a transmis, prin contract de cesiune, drepturile exclusive de închiriere sau împrumut către un producător de fonograme, de videograme sau de opere audiovizuale.</p> <p>(2) Dreptul de a obține o remunerație echitabilă nu poate face obiectul unei renunțări din partea autorilor sau interpreților, în calitate de beneficiari.</p> <p>(3) Autorii și interpreții vor primi remunerațiile cuvenite fie direct de la producători, conform contractelor încheiate cu aceștia, fie de la utilizatori numai prin organizațiile de gestiune colectivă, conform contractelor dintre beneficiarii remunerației și producători.</p>	<p>Article 81. Right to Equitable Remuneration Reserved to Authors and Performers after Assigning Their Exclusive Rental or Lending Rights</p> <p>(1) Where an author or performer has transferred, by contract on assignment, his/her exclusive rental or lending rights to a producer of phonograms, videograms or audiovisual works, he/she shall retain the right to obtain an equitable remuneration.</p> <p>(2) The right to obtain an equitable remuneration cannot be waived by authors or performers, in their capacity of beneficiaries.</p> <p>(3) Authors and performers will receive the due remuneration either directly from the producers, according to the contracts concluded with them, or from the users, only through the collective management organizations, according to the contracts between the beneficiaries of the remuneration and the producers.</p>

23 NORTH MACEDONIA

[Copyright and Related Rights Act, 2010](#)

Original Version (Macedonian)	WIPO Lex
<p>Пуштање во промет Член 29</p> <p>(1) Пуштање во промет, во смисла на овој закон, е понудување на јавноста заради продажба или друг вид пренос на сопственичкото право или на правото на владение на оригиналот или на примероците на делото, вклучувајќи го и увозот и изнајмувањето, а го опфаќа и правото на надоместок од послугата, определена со овој закон.</p> <p>(2) Увоз, во смисла на овој закон, е внесување на домашен пазар на оригинали или примероци на авторско</p>	<p>Distribution Article 29</p> <p>(1) Distribution, within the meaning of this Act, shall mean making available to the public an original or a copy of the work, for the purpose of sale or other form of transfer of ownership right or right of possession, including importation and rental, and covering the right of remuneration for lending as provided by this Act.</p> <p>(2) Importation, within the meaning of this Act, shall mean placing on the domestic market originals or copies of a copyright work intended for further circulation for commercial purposes.</p>

<p>дело заради натамошен промет, за комерцијална цел.</p> <p>(3) Изнајмување, во смисла на овој закон, е давање на користење оригинал или примерок на авторско дело на определено време, заради непосредна или посредна имотна корист. Изнајмувањето не се однесува на изградени дела на архитектурата и на оригинали и примероци на дела од применетата уметност и дизајнот.</p> <p>(4) Послуга, во смисла на овој закон, е давање на користење авторско дело, на определено време, без остварување непосредна или посредна имотна корист преку организации до кои јавноста има пристап.</p> <p>(5) Правото на пуштање во промет на територијата на Република Македонија се исцрпува со првата продажба или со друг вид прв пренос на правото на сопственост на оригинал или примерок од авторско дело, што се врши од страна на носител на правото или со негова согласност. Исцрпувањето не се однесува на правата на увоз, на изнајмување и на послуга.</p>	<p>(3) Rental, within the meaning of this Act, shall mean making available for use an original or a copy of a copyright work for a limited period of time, for direct or indirect economic advantage. The rental shall not apply to constructed works of architecture and originals and copies of works of applied art and design.</p> <p>(4) Lending, within the meaning of this Act, shall mean making available for use of a copyright work, for a limited period of time, by organizations which are accessible to the public, without obtaining direct or indirect economic advantage.</p> <p>(5) The right of distribution in the territory of the Republic of Macedonia shall be exhausted with the first sale or other form of first transfer of ownership right of an original or copy of a copyright work, carried out by the right holder or with his consent. The exhaustion shall not apply to the rights of importation, rental and lending.</p>
<p>Право на надоместок Член 50</p> <p>(1) Авторот има право на надоместок од послуга на оригинал или примероци на неговото авторско дело.</p> <p>(2) Правото на послуга од ставот (1) на овој член не се однесува на архитектонски објекти, на дела од применетата уметност и дизајнот, како и на дела што меѓусебно ги позајмуваат организациите од ставот (4) на овој член.</p> <p>(3) Надоместокот од ставот (1) на овој член го плаќа организацијата што ја врши услугата.</p> <p>(4) Од обврската за плаќање надоместок од ставот (1) на овој член се изземени јавните установи од областа на науката, културата и образованието (библиотеки, кинотеки, научни и образовни установи).</p>	<p>Right of remuneration Article 50</p> <p>(1) The author shall have the right to remuneration for the lending of an original or copy of his copyright work.</p> <p>(2) The lending right under paragraph 1 of this Article shall not apply to architectural structures, works of applied art and design, or works that are mutually lent by the organizations under paragraph 4 of this Article.</p> <p>(3) The remuneration under paragraph 1 of this Article shall be payable by the organization, which is carrying out the lending.</p> <p>(4) Public institutions in the field of science, culture and education (libraries, film archives, scientific and educational institutions) shall be exempted from the duty of payment of the remuneration under paragraph 1 of this Article.</p> <p>(5) The author may not waive the right of remuneration under paragraph 1 of this Article.</p>

(5) Авторот не може да се откаже од правото на надоместок од ставот (1) на овој член.	
<p>Права на авторот Член 96</p> <p>Авторот на компјутерска програма, доколку со овој закон поинаку не е определено, има исклучиво материјално право да ја користи програмата и да дозволува или забранува користење на програмата за:</p> <ol style="list-style-type: none"> 1. умножување, како и внесување, прикажување, користење, пренесување или чување на компјутерска програма, доколку овие дејствија наложуваат такво умножување; 2. преведување, адаптирање или која било друга преработка, како и умножување на резултатите од таа преработка, без да се повредат правата на лицето кое ја извршило таквата преработка и 3. пуштање во промет, како и за послуга на оригиналот од компјутерската програма или нејзините примероци во каква било форма. 	<p>Rights of the author Article 96</p> <p>Unless otherwise provided by this Act, the author of the computer program shall have the exclusive economic right to use the program and to authorize or prohibit the use of the program for:</p> <ol style="list-style-type: none"> 1. Reproduction, as well as loading, displaying, running, transmission or storage of the computer program, insofar as these acts necessitate such reproduction; 2. Translation, arrangement or any other adaptation, as well as reproduction of the results thereof, without prejudice to the rights of the person who made that adaptation; and 3. Distribution as well as lending of the original or the copies of the computer program in any form.

24 ROMANIA

[Act No. 8 of March 14, 1996, on Copyright and Neighboring Rights \(amended up to Act No. 69/2022\)](#)

Original Wording (Romanian)	Machine Translation
<p>Articolul 18</p> <p>(1) Prin împrumut, în sensul prezentei legi, se înțelege punerea la dispoziție spre utilizare, pentru un timp limitat și fără un avantaj economic sau comercial direct ori indirect, a unei opere prin intermediul unei instituții care permite accesul publicului în acest scop.</p> <p>(2) Împrumutul efectuat prin biblioteci nu necesită autorizarea autorului și dă dreptul acestuia la o remunerație echitabilă. Acest drept nu poate face obiectul unei renunțări.</p> <p>(3) Remunerația echitabilă prevăzută la alin. (2) nu se datorează în cazul în care</p>	<p>Article 18</p> <p>(1) Lending, within the meaning of this Act, means making available for use, for a limited time and without direct or indirect economic or commercial advantage, a work through an institution that allows public access for this purpose.</p> <p>(2) Lending through libraries does not require the author's authorization and entitles him to equitable remuneration. This right may not be waived.</p> <p>(3) The equitable remuneration provided for in paragraph (2) is not due if the loan is made through the libraries of educational</p>

<p>împrumutul este realizat prin bibliotecile instituțiilor de învățământ și prin bibliotecile publice cu acces gratuit.</p> <p>(4) Împrumutul unor opere fixate în înregistrări sonore sau audiovizuale nu poate avea loc decât după 6 luni de la prima distribuire a operei.</p> <p>(5) Dreptul de împrumut nu se epuizează odată cu prima vânzare sau cu primul transfer de drept de proprietate asupra originalului ori a copiilor unei opere, pe piață, efectuat sau consimțit de titularul de drepturi.</p>	<p>institutions and through public libraries with free access.</p> <p>(4) The lending of works fixed in sound or audiovisual recordings may not take place until 6 months after the first distribution of the work.</p> <p>(5) The lending right shall not be exhausted with the first sale or the first transfer of ownership of the original or copies of a work, on the market, carried out or consented to by the rights holder.</p>
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25 SERBIA

Copyright and Related Rights Act

Original Wording (Serbian)	Machine Translation
<p>4.2.2. Право стављања примерака дела у промет Члан 21.</p> <p>Аутор има искључиво право да другоме забрани или дозволи стављање у промет оригинала или умножених* примерака свог дела, продајом или другим начином преноса својине.*</p> <p>Стављање примерака дела у промет обухвата и:</p> <ol style="list-style-type: none"> 1) нуђење примерака дела ради стављања у промет; 2) складиштење примерака дела ради стављања у промет; 3) увоз примерака дела. <p>Право аутора на стављање примерака дела у промет не делује према оном власнику примерка дела који је тај примерак легално прибавио у Републици Србији од аутора или од ауторовог правног следбеника (исцрпљење права). Власник може слободно отуђити примерак дела који је легално прибавио од аутора или ауторовог правног следбеника</p> <p>* Службени гласник РС, број 99/2011</p>	<p>4.2.2. The right to put copies of the work into circulation Article 21</p> <p>The author has the exclusive right to prohibit or allow others to put into circulation the original or duplicated* copies of his work, by sale or other means of transfer of ownership.*</p> <p>Putting copies of the work into circulation also includes:</p> <ol style="list-style-type: none"> 1) offering copies of the work for sale; 2) storage of copies of the work for sale; 3) import of copies of works. <p>The author's right to put copies of the work into circulation does not apply to the owner of the copy of the work who legally obtained that copy in the Republic of Serbia from the author or from the author's legal successor (exhaustion of rights). The owner may freely alienate a copy of the work that he has legally obtained from the author or the author's legal successor.</p> <p>*Official Gazette of the Republic of Serbia, No. 99/2011</p>
<p>4.2.3. Право давања примерака дела у закуп Члан 22.</p>	<p>4.2.3. Right to lease copies of a work Article 22.</p>

<p>Аутор има искључиво право да другоме забрани или дозволи давање оригинала или умножених примерака свог дела у закуп. Давање у закуп, у смислу овог закона, је давање оригинала или умножених примерака дела другоме на коришћење на ограничено време у сврху остваривања непосредне или посредне имовинске користи.*</p> <p>Ако аутор уступи произвођачу фонограма, односно видеограма своје право из става 1. овог члана он задржава право на правичну накнаду од давања у закуп примерака ауторског дела (дела забележеног на видео касети, аудио касети, компакт диску и сл.).</p> <p>Аутор се не може одрећи права на накнаду из става 2. овог члана.</p> <p>Право из става 1. овог члана се не исцрпљује продајом или другим радњама стављања у промет оригинала или умножених примерака дела.*</p> <p>*Службени гласник РС, број 99/2011</p>	<p>The author has the exclusive right to prohibit or permit another person to lease the original or copies of his work. Leasing, within the meaning of this Act, is the granting of the original or copies of a work to another person for use for a limited period of time for the purpose of obtaining direct or indirect property benefit.*</p> <p>If the author assigns to the producer of a phonogram or videogram his right from paragraph 1 of this Article, he retains the right to equitable remuneration from the leasing of copies of the author's work (a work recorded on a video cassette, audio cassette, compact disc, etc.).</p> <p>The author may not waive the right to remuneration from paragraph 2 of this Article.</p> <p>The right referred to in paragraph 1 of this Article shall not be exhausted by the sale or other acts of placing on the market the original or copies of the work.*</p> <p>*Official Gazette of the Republic of Serbia, No. 99/2011</p>
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26 TÜRKİYE

[Fikir ve Sanat Eserleri Kanunu](#) 5/12/1951

Original Version (Turkish)	Machine translation
<p>c) Yayıma hakkı: Madde 23 – (Değişik: 21/2/2001 -4630/14 md.)</p> <p>Bir eserin aslını veya çoğaltılmış nüshalarını, kiralamak, ödünç vermek, satışa çıkarmak veya diğer yollarla dağıtmak hakkı münhasıran eser sahibine aittir.</p> <p>Eser sahibinin izniyle yurt dışında çoğaltılmış nüshaların yurt içine getirilmesi ve bunlardan yayma yoluyla faydalanma hakkı münhasıran eser sahibine aittir. Yurt dışında çoğaltılmış nüshalar her ne surette olursa olsun eser sahibinin ve/veya eser sahibinin izni haiz yayma hakkı sahibinin izni olmaksızın ithal edilemez. Kiralama ve kamuya ödünç verme yetkisi eser sahibinde kalmak kaydıyla, belirli</p>	<p>c) Right to distribute: Article 23 – (Amended: 21/2/2001 -4630/14 art.)</p> <p>The right to rent, lend, put up for sale or distribute the original or reproduced copies of a work by other means belongs exclusively to the author.</p> <p>The right to bring copies reproduced abroad with the permission of the author into the country and to benefit from them by means of distribution belongs exclusively to the author. Copies reproduced abroad cannot be imported in any way without the permission of the author and/or the owner of the right to distribute who has the permission of the author. Provided that the right to rent and lend to the public remains with the author, the resale of certain copies after the first sale or distribution within the borders of the country is made by transferring the ownership as</p>

<p>nüshaların hak sahibinin yayma hakkını kullanması sonucu mülkiyeti devredilerek ülke sınırları içinde ilk satışı veya dağıtımı yapıldıktan sonra bunların yeniden satışı eser sahibine tanınan yayma hakkını ihlal etmez.</p> <p>Bir eserin veya çoğaltılmış nüshalarının kiralınması veya ödünç verilmesi şeklinde yayımı, eser sahibinin çoğaltma hakkına zarar verecek şekilde, eserin yaygın kopyalanmasına yol açamaz. Bu maddenin uygulanmasına ilişkin usul ve esaslar Kültür Bakanlığınca hazırlanacak bir yönetmelikle düzenlenir.</p>	<p>a result of the owner of the right to distribute and the resale of these copies does not violate the right to distribute granted to the author.</p> <p>The dissemination of a work or its reproduced copies by renting or lending cannot lead to widespread copying of the work in a way that would harm the reproduction right of the author. The procedures and principles regarding the implementation of this article shall be regulated by a regulation to be prepared by the Ministry of Culture.</p>
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27 UKRAINE

[Act No. 2811-IX on Copyright and Related Rights](#)

Original Wording (Ukrainian)	Machine Translation
<p>Стаття 1. Визначення термінів</p> <p>[...]</p> <p>38) позичка - надання у користування (у тому числі у визначений спосіб) примірника твору, фонограми, відеограми на встановлений строк, за умови що такі дії не мають самостійного економічного значення;</p> <p>[...]</p> <p>42) прокат - надання у користування (у тому числі визначеним способом) примірника твору, фонограми, відеограми на встановлений строк з метою</p>	<p>Article 1</p> <p>[...]</p> <p>38) loan - provision for use (including in a specified manner) of a copy of a work, phonogram, videogram for a specified period, provided that such actions do not have an independent economic significance;</p> <p>[...]</p> <p>42) rental - provision for use (including in a specified manner) of a copy of a work, phonogram, videogram for a specified period of time for the purpose of obtaining direct or indirect commercial benefit;</p>
<p>Стаття 24. Вільне використання твору бібліотеками, музеями з відкритим доступом для відвідувачів, архівами або організаціями із збереження фондів аудіо-, відеозаписів</p> <p>1. Допускається без дозволу суб'єкта авторського права та безоплатно відтворення, у тому числі репрографічне відтворення твору бібліотеками, музеями з відкритим доступом для відвідувачів, архівами або організаціями із збереження фондів аудіо-, відеозаписів, за таких умов:</p>	<p>Article 24. Free use of a work by libraries, museums with open access for visitors, archives or organizations for the preservation of audio and video recordings</p> <p>1. Reproduction, including reprographic reproduction of a work by libraries, museums with open access for visitors, archives or organizations for the preservation of audio and video recordings, is allowed without the permission of the copyright holder and free of charge, under the following conditions:</p> <p>1) if the reproduced work is a separate published article and other small-sized</p>

<p>1) у разі, якщо відтворюваним твором є окрема опублікована стаття та інші невеликі за обсягом твори чи уривки з письмових творів (крім комп'ютерної програми чи бази даних), з ілюстраціями або без них, і коли це відтворення здійснюється за запитами фізичних осіб, за умови що:</p> <p>бібліотеки, музеї з відкритим доступом для відвідувачів, архіви або організації із збереження фондів аудіо-, відеозаписів мають достатні підстави вважати, що копія відтвореного твору використовуватиметься з метою навчання, наукового або приватного дослідження;</p> <p>обсяг такого відтворення відповідає визначеній меті;</p> <p>відтворення твору не має систематичного характеру.</p> <p>При цьому бібліотеки, архіви та музеї мають право на відшкодування господарських витрат, пов'язаних із наданням послуг на передбачене цією частиною відтворення твору;</p> <p>2) у разі, якщо відтворення здійснюється в будь-якому форматі та на будь-якому носії для збереження або заміни загубленого, пошкодженого чи непридатного примірника твору з фонду бібліотек, музеїв з відкритим доступом для відвідувачів, архівів або організацій із збереження фондів аудіо-, відеозаписів, або для відновлення загубленого, пошкодженого чи непридатного оригіналу чи копії твору з фонду аналогічних установ, організацій, надання такого примірника іншій установі чи організації, за умови що виготовлення відповідного примірника іншим шляхом неможливе і примірник виготовляється в обсязі, необхідному для такого збереження.</p> <p>2. Допускається без дозволу суб'єкта авторського права позичка некомерційними бібліотеками правомірно опублікованих примірників творів у</p>	<p>works or excerpts from written works (except for a computer program or database), with or without illustrations, and when this reproduction is carried out at the request of individuals, provided that:</p> <p>libraries, museums with open access for visitors, archives or organizations for the preservation of audio and video recordings have sufficient grounds to believe that the copy of the reproduced work will be used for educational, scientific or private research;</p> <p>the scope of such reproduction corresponds to the specified purpose;</p> <p>the reproduction of the work is not systematic.</p> <p>In this case, libraries, archives and museums have the right to reimbursement of economic expenses related to the provision of services for the reproduction of the work provided for by this part;</p> <p>2) if the reproduction is carried out in any format and on any medium for the preservation or replacement of a lost, damaged or unusable copy of the work from the collection of libraries, museums with open access for visitors, archives or organizations for the preservation of audio and video recordings, or for the restoration of a lost, damaged or unusable original or copy of the work from the collection of similar institutions, organizations, providing such a copy to another institution or organization, provided that the production of the corresponding copy by other means is impossible and the copy is produced in the volume necessary for such preservation.</p> <p>2. It is permitted, without the permission of the copyright holder, to lend by non-commercial libraries copies of legally published works in printed form, except for copies of computer programs and databases.</p> <p>3. It is permitted, without the permission of the copyright holder, to lend by non-commercial libraries copies of legally published works, except for copies of</p>
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<p>друкованому вигляді, крім примірників комп'ютерних програм, баз даних.</p> <p>3. Допускається без дозволу суб'єкта авторського права позичка некомерційними бібліотеками копії правомірно опублікованого твору, крім копій комп'ютерних програм, баз даних, за таких умов:</p> <ol style="list-style-type: none"> 1) надання одночасно доступу лише до однієї копії цього твору; 2) розповсюдження дії цієї частини лише на твори, щодо яких відсутні умови використання на підставі публічного ліцензійного договору на використання об'єктів авторського права; 3) відсутність можливості у користувача користуватися копією твору за межами терміну надання копії твору у позичку. <p>4. Допускається без дозволу суб'єкта авторського права та безоплатно інтерактивне надання доступу до твору в електронній (цифровій) формі за допомогою терміналів у приміщенні бібліотек, музеїв з відкритим доступом для відвідувачів, архівами або організаціями із збереження фондів аудіо-, відеозаписів, за запитом фізичної особи з метою навчання, наукового або приватного дослідження за таких умов:</p> <ol style="list-style-type: none"> 1) виключення можливості створення копій цього твору для використання поза приміщенням закладів, зазначених у цьому пункті; 2) надання одночасно доступу лише до однієї копії цього твору. <p>5. Допускається без дозволу суб'єкта авторського права та безоплатно публічний показ оригіналів творів образотворчого та/або ужиткового мистецтва музеями, в яких вони зберігаються.</p> <p>6. Діяльність бібліотек, музеїв з відкритим доступом для відвідувачів, архівами або організаціями із збереження фондів аудіо-, відеозаписів вважається</p>	<p>computer programs and databases, under the following conditions:</p> <ol style="list-style-type: none"> 1) providing access to only one copy of this work at a time; 2) extending the scope of this part only to works for which there are no conditions for use on the basis of a public license agreement for the use of copyright objects; 3) the user is not able to use a copy of the work beyond the term of providing a copy of the work for loan. <p>4. It is allowed, without the permission of the copyright holder and free of charge, to provide interactive access to a work in electronic (digital) form using terminals in the premises of libraries, museums with open access for visitors, archives or organizations for the preservation of audio and video recordings, at the request of an individual for the purpose of education, scientific or private research under the following conditions:</p> <ol style="list-style-type: none"> 1) excluding the possibility of creating copies of this work for use outside the premises of the institutions specified in this paragraph; 2) providing access to only one copy of this work at a time. <p>5. It is allowed, without the permission of the copyright holder, to publicly display originals of works of fine and/or applied art by museums in which they are stored, free of charge.</p> <p>6. The activities of libraries, museums with open access for visitors, archives or organizations for the preservation of audio and video recordings shall be considered non-commercial, including if this organization charges a fee, the amount of which does not exceed the amount necessary to reimburse the economic costs associated with the provision of services for reproduction, lending and interactive provision of access to the work provided for in this article, or the specified services are provided free of charge.</p>
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<p>некомерційною, у тому числі якщо цією організацією стягується плата, розмір якої не перевищує суму, необхідну для відшкодування господарських витрат, пов'язаних з наданням послуг на передбачені цією статтею відтворення, позичку та інтерактивним наданням доступу до твору, або вказані послуги надаються безоплатно.</p>	
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