

UNESCO
WORLD ANTI PIRACY OBSERVATORY

GEORGIA

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I. Legislation

1. Copyright laws

Copyright is protected in Georgia through international Agreements, the [Law of Georgia on Copyright and Related Rights](#) adopted the 22nd of June 1999, as well as other legislation related to enforcement of copyright or affecting copyright protection.

2. Other laws

- "[Law of Georgia on Border Measures Relating to Intellectual Property](#)" adopted on 23/06/1999.
- "Code of administrative violations of Georgia" adopted on 15/12/1984 (Amendments adopted on 23/06/2005).
- "Criminal Code of Georgia" adopted on 22/07/1999.
- "Criminal Procedure Code" adopted in July 2009
- "Civil Procedure Code" adopted in November 1997
- "Customs Code" adopted in July 2006

3. Latest developments and perspectives

For the time being no amendments are planned to Georgian legislation concerning copyright infringement and anti-piracy issues. In 2005 more than 150 amendments were incorporated in the "[Law of Georgia on Copyright and Related Rights](#)" in order to put it in full conformity with the requirements of international conventions and treaties to which Georgia is a member. There are also some plans to start working on new legislation on the internet service providers' liability.

4. Summary of legislation

- *Exclusive rights of the authors and of the owners of neighboring rights*

The law governs the relations associated with the economic and moral rights of authors that arise upon creation and use of scientific, literary and artistic works, the relations associated with makers of databases and the relations associated with the rights related to rights of performers, producers of phonograms videograms and broadcasting organizations.

Exclusive Economic Rights of the authors

The Law on Copyright and Related Rights grants the following exclusive economic rights to the authors (Articles 18, 19, and 20):

- the right of reproduction
- the right of distribution
- the right of importation
- the right of public display
- the right of public performance
- the right of communication to the public
- the right of translation

- the right of adaptation
- the right of rental
- droit de suite (for originals of fine art works)
- usage of the work otherwise

Exclusive economic rights of the owners of neighbouring rights

Owners of neighboring/ related rights are granted the following rights (Articles 47 to 50 of the Law on Copyright and Related Rights):

- the right of fixation of unfixed performances
- the right of reproduction
- the right of transmission on the air or by cable
- the right of retransmission on the air or by cable
- the right of distribution
- the right of making available to the public
- the right of rental

- *Exceptions and limitations to copyright / Permitted Acts in relation to copyright works*

The Law of Georgia on Copyright and Related Rights provides for certain limitations and exceptions to copyright and related rights which are set forth in articles 21 to 30, 51 to 53 and 56 of the law.

- *Protection of foreign works*

In addition to works created by Georgian authors the law also applies to the following (Article 3 of the Law on Copyright and Related Rights):

- scientific, literary and artistic works, performances, phonograms, videograms and databases, whose right owner is a natural person having his habitual residence on the territory of Georgia or a legal entity with a seat on the territory of Georgia;
- scientific, literary and artistic works, phonograms, videograms and databases first published in the territory of Georgia
- performance first performed on the territory of Georgia; performance fixed on a phonogram or videogram, which is protected in accordance with the law on copyright and related rights; performance not being fixed on a phonogram or videogram but is carried by a broadcast of a broadcasting organization, which is protected in accordance with the law on copyright and related rights;
- broadcasts of the broadcasting organization, which have obtained a broadcasting license as prescribed by the Georgian legislation and transmits a broadcast via transmitters located in Georgia, by the air, by cable, or by other analogous means;
- architectural works located on the territory of Georgia, artistic works incorporated in an architectural work located on the territory of Georgia, notwithstanding the nationality and habitual residence of their authors;
- other works of science, literature and art, performance, phonogram, videogram and broadcast of broadcasting organizations, which are protected by the international agreements to which Georgia is a member.

- *Period of copyright protection*

General term of protection of copyright is 70 years after the death of the author. However, the law provides special terms for certain categories of work (Articles 32 to 33 of the Law on Copyright and Related Rights). The duration of related rights is the following (Article 57 of the Law on Copyright and Related Rights):

- The rights of performers expire 50 years after the date of the first performance. However, if a fixation of the performance is lawfully published or lawfully communicated to the public within this period, this term shall run for 50 years from the date of the first such events, whichever is the earlier.
- The rights of producers of phonograms or videograms expire 50 years after the first fixation is made. However, if the phonogram or videogram is lawfully published or lawfully communicated to the public during this period, the said term shall run for 50 years from the first occurrence of one of the said events, whichever is the first.
- The rights of a broadcasting (cable) organization expire 50 years after the first transmission on the air or by cable of a broadcast of such an organization.

- *Registration*

According to the Law of Georgia on Copyright and Related Rights, commencement and enjoyment of a copyright shall not be subject to any registration and a work shall be deemed created, when it is expressed in any objective form enabling its perception and reproduction. (Article 9 of the Law on Copyright and Related Rights)

The author or other copyright owner may deposit the original or a copy of the work to the Register of Georgian Intellectual Property Centre “Sakpatenti”. “Sakpenteni” in exchange shall issue a certificate certifying the deposit of the work.

5. International treaties

Georgia is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention on the Protection of Literary and Artistic Works](#), in force since May 16, 1995.
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#), in force since August 14, 2004.
- [WTO Agreement on Trade Related Aspects of Intellectual Property Rights](#) (TRIPS), since June 14, 2000.
- [WIPO Copyright Treaty](#) (WCT), in force since March 6, 2002.
- [WIPO Performances and Phonograms Treaty](#) (WPPT), in force since May 20, 2002.

II. Measures and remedies

1. Copyright infringement

According to the Law of Georgia on Copyright and Related Rights, any natural or legal person not complying with the requirements of this Law shall be deemed to be an infringer of copyright,

related rights and the rights of makers of databases. Articles 58 and 60 also state that the following shall also be deemed to be an infringement of copyright, related rights and the rights of makers of databases:

- the unauthorized use of a work, phonogram, videogram, broadcast of a broadcasting organization and of a database
- the alteration or removal of any electronic right-management information without the authorization of the right holder
- if a work, subject-matter of a related right or a database became available to the public (by making public, distribution, rental or other transfer of ownership of copies thereof), if such person knew, or had reasonable grounds to know, that the right-management information was altered or deleted without the authorization of the right holder
- the circumvention of technological measures
- the manufacture, import, distribution, sale, rental, or advertisement for sale or rental of any technology, device or its components which:
 - are put into circulation for the purpose of circumvention of technological measures
 - have only a limited commercially significant purpose or use other than to circumvent or
 - are primarily designed, produced or performed for the purpose of enabling or facilitating the circumvention of any effective technological measures
- the offering and rendering of services aimed at neutralizing technological measures by using a technology, device or its components

2. Remedies to protect copyright holders

Georgian legislation entails civil, criminal and administrative responsibility for infringement of copyright and related rights.

Civil Remedies

Holders of copyright, related rights and makers of databases shall be entitled to request from the infringer:

- the recognition of their rights;
- the renewal of the status prior to the infringement and the cessation of the acts infringing their rights or creating a risk of their infringement;
- the compensations for the damages, including lost profits;
- the confiscation of income gained by the infringer as a result of infringing their rights, instead of the compensation for damages;
- the payment of the compensation at the discretion of the court instead of the reimbursement for damages. At the same time, the compensation shall not be less than the tenfold amount of the money of the compensation receivable by the right holder in the case of lawful use of the infringed right;
- the taking of other measures related to the protection of their rights prescribed by the legislation of Georgia.

The Law of Georgia on Copyright and Related Rights also includes provisions related to provisional measures for enforcing copyright and related rights (Articles 59 to 61).

Criminal Remedies

Georgian legislation provides for fines and imprisonment up to 2 years (Article 189 of the *Criminal Code of Georgia*).

3. Provisional measures

The Law of Georgia on Copyright and Related Rights provides for the following provisional measures (Article 61):

- *Injunction*

Before the commencement of proceedings on the merits of the case, the competent judicial authorities (the court or the judge) may solely issue against the defendant or the person against whom there is a reasonable suspicion that he has infringed the copyright, related rights or the rights of makers of databases an injunction intended to forbid the implementation of acts as the manufacture, reproduction, distribution, rental, import, communication to the public, public display or other use of the subject-matter of copyright and related rights, of a database or copies thereof, as well as the transportation, storage and holding thereof for the purpose of implementing such acts.

- *Seizure*

Prior to the hearing of a case on merits, the court or the judge may independently order the seizure or delivery up of all the copies of the works, subject-matter of related rights or databases reasonably suspected of being infringing copies, as well as of the material, device or its components which are designed for their manufacture, reproduction and circumvention of technological measures.

In the existence of reasonably available evidence with regard to the infringement of the copyright, related rights and the rights of makers of databases to which criminal responsibility is provided for, the investigator or the court shall take measures to enforce a civil action that was or may be invoked, through investigating and seizure of the following goods:

- the copies of the work, subject matter of related rights or database which are reasonably suspected of being infringing copies;
- the material, device or its component and other technical facilities that are designed for manufacture and reproduction of infringing copies as well as for circumventing technological measures;
- the documents, reports and other things that may be used as evidence in the course of judicial proceedings

4. Penalties for copyright infringement

- In civil cases
 - the recognition of authors rights;
 - the renewal of the status prior to the infringement and the cessation of the acts infringing authors' rights or creating a risk of their infringement;
 - the compensation for the damages, including lost profits;
 - the confiscation of income gained by the infringer as a result of infringing authors rights, instead of the compensation for damages;
 - the payment of the compensation at the discretion of the court instead of the reimbursement for damages. At the same time, the compensation shall not be less than the tenfold amount of the money of the compensation receivable by the right holder in the case of lawful use of the infringed right;
 - attorney's fees

Besides, the court may order the seizure, confiscation, forfeiture and/or the destruction of all infringing copies and all equipments or devices used in the manufacture of the infringing copies

- For criminal offence in copyright cases (Article 189 of the Criminal Code of Georgia)
 - monetary fines from 500 GEL
 - imprisonment from 6 months up to 3 years

5. Requirements for foreign persons

No special requirements are needed for foreign persons to obtain enforcement of their copyright in Georgia.

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

- Financial Police (Article 62 of the Code of the Criminal Procedures)
- Customs (Article 3 of the Law of Georgia on border measures relating to intellectual property)

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

Enforcement authorities do not have ex officio authority to enforce copyright infringement cases.

c) Courts dealing with copyright cases

There are no specialized courts dealing with IP cases in Georgia. IP cases are heard in Georgia by the state court jurisdiction.

2. Enforcement at the border

Issues related to enforcement of copyright at the border are regulated by the Law of Georgia on border measures relating to intellectual property (Articles 5 to 9). Under the Law, a special register was established at the Customs Department of Georgia, in which every interested party can register his subject matter of copyright and related rights and database and indicate the information necessary for the identification of the goods. In case of the appearance of suspicious goods, the customs officials are entitled to stop these goods during 10 working days, and perishable goods - during 6 working days. Customs officials shall notify importer and the right holder about suspension of goods. If the suspicion proves to be grounded, the right holder can appeal to the court and demand the reparation of damages and destruction of the goods. During court proceedings the right holder shall pay an equivalent assurance for the protection of the defendants' interest. Customs is entitled to suspend the goods that are registered in special register only. Otherwise Customs does not have authority to act ex officio in copyright infringement cases. Besides, This Law shall not apply to small quantities of goods of a non-commercial nature contained in traveler's luggage or sent in small containers.

IV. Public Awareness

- 1. Awareness campaigns and actions**
- 2. Promotion of legal exploitation**
- 3. Associations and organizations with awareness-raising purpose**
- 4. Best practices**

V. Capacity-building

1. Training

The Register of Georgian Intellectual Property Centre “Sakpatenti” is currently working to arrange training programs in IP for Governmental authorities and for private sector as well.

2. Establishment of specialized units and intersectoral groups

- Creation of an intellectual property unit
- Creation of a collective management organization

For the time being the Collective Management Society of Copyright “Georgian Authors’ society” functions in Georgia.

3. Best practices

VI. Other

1. TPM/DRM

The Law on Copyright and Related provides protection for Technological Protection Measures and Data Rights Management through penalizing the following acts (Articles 58 and 60):

- the alteration or removal of any electronic right-management information without the authorization of the right holder
- if a work, subject-matter of a related right or a database became available to the public (by making public, distribution, rental or other transfer of ownership of copies thereof), if such person knew, or had reasonable grounds to know, that the right-management information was altered or deleted without the authorization of the right holder the circumvention of technological measures

- the manufacture, import, distribution, sale, rental, or advertisement for sale or rental of any technology, device or its components which:
 - are put into circulation for the purpose of circumvention of technological measures
 - have only a limited commercially significant purpose or use other than to circumvent or
 - are primarily designed, produced or performed for the purpose of enabling or facilitating the circumvention of any effective technological measures
- the offering and rendering of services aimed at neutralizing technological measures by using a technology, device or its components

2. Licensing schemes

Information not available

3. Optical discs

Information not available

4. Hotlines

Information not available

5. Contact details

Ministry of Finance

Website: <http://www.mof.ge>

Georgian Authors' Society

Website: <http://www.sas.org.ge>

National Intellectual Property Center of Georgia

Website: <http://sakpatenti.org.ge>