

**UNESCO**  
**WORLD ANTI PIRACY OBSERVATORY**

**LATVIA**

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## I. Legislation

### 1. Copyright laws

Copyright is protected in Latvia through international Agreements, the Constitution of Latvia (Satversme) Article 113, the [Copyright Law](#) as last amended in 2007, as well as other legislation related to enforcement of copyright or affecting copyright protection.

The Copyright Law was adopted on April 6, 2000. The last amendments to the [Copyright Law](#) were passed on December 6, 2007.

### 2. Other laws

- The Criminal Law (adopted on 17 June 1998)
- The Latvian Administrative Violations Code (adopted on 7 December 1984)
- The Civil Procedure Law (adopted on 14 October 1998)
- The Law on the Press and Other Mass Media (adopted on 20 December 1990)
- The Radio and Television Law (adopted on 24 August 1995)
- The Regulations of the Cabinet of Ministers
- The Regulations No. 749 of 4 October 2005 Procedures for Customs Control Measures for the Protection of Intellectual Property Rights

### 3. Latest developments and perspectives

### 4. Summary of legislation

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

#### Exclusive rights of the Authors

According to Article 15 of the Copyright Law an author, except the author of a computer program or a database, has the following exclusive rights:

- to communicate the work to the public
- to publish the work
- to publicly perform the work
- to distribute the work
- to broadcast the work
- to retransmit the work
- to make the work available to the public by wire or by other means, so that it is accessible in an individually selected location and at an individually selected time
- to lease, rent or to publicly lend originals or copies of a work, except for three-dimensional architectural works and works of applied art
- to directly or indirectly, temporarily or permanently reproduce the work
- to translate a work
- to arrange, to adapt for stage or screen, or to otherwise transform a work

#### **Author of a computer program**

With respect to the use of a computer program, the author of a computer program has the following exclusive rights:

- 1) to distribute the computer program;

- 2) to make the computer program available to the public by wire or by other means, so that it is accessible in an individually selected location and at an individually selected time;
- 3) to lease, rent or to publicly lend the computer program;
- 4) to temporarily or permanently reproduce the computer program (insofar as the loading, demonstration, use, transmission or storage of the computer program requires its reproduction, if permission for such action has been granted in writing by the right holder); and
- 5) to translate, adapt and in any other way transform the computer program and reproduce the results obtained thereby (insofar as it is not contrary to the rights of the person who transforms the computer program).

### **Author of a database**

With respect to the use of a database, the author of a database has the following exclusive rights to permit or prohibit:

- 1) the communication to the public or demonstration of the database;
- 2) the distribution of the database;
- 3) to make the database available to the public by wire or by other means, so that it is accessible in an individually selected location and at an individually selected time;
- 4) the temporary or permanent reproduction of the database; and
- 5) the translation, adaptation or transformation in any other way of the database, as well as the reproduction, distribution, communication to the public, demonstration or display of the results of such activities.

The author has the right to use his or her work in any manner, to permit or prohibit its use, receive remuneration for permission to use his or her work and for the use of the work except in cases provided for by law.

The author enjoys also inalienable moral rights which are set forth in Article 14 of the Copyright Law.

### Exclusive Rights of owners of neighboring rights

- **Performers rights**

According to Article 48 of the Copyright Law of Latvia, performers shall have exclusive rights with respect to their performance to:

- 1) broadcasting or communicating to the public the performance, except in cases when the performance has already been broadcast;
- 2) fixation of a performance that has not been previously fixed;
- 3) distribution of the fixation of a performance;
- 4) broadcasting or retransmission by cable of the fixation of a performance;
- 5) making available to the public of the fixation of a performance, by wire or otherwise, in an individually selected location and at an individually selected time;
- 6) lease, rent or public lending of the fixation of a performance; and
- 7) directly or indirectly, temporarily or permanently reproduce the fixation of a performance.

The performer enjoys also moral rights irrespectively of his economic rights, as well as in the case where economic rights have been transferred (Article 48 of the Copyright Law).

- **Producers' rights**

#### Film Producers

According to Article 50 of the Copyright Law of Latvia film producers have exclusive rights in respect of the original of the film or copies thereof to:

- 1) distribute;

- 2) retransmit by cable;
- 3) make available to the public by wire or otherwise in an individually selected location and at an individually selected time;
- 4) lease, rent or publicly lend; and
- 5) directly or indirectly, temporarily or permanently reproduce the original of the film or copies thereof.

#### Phonogram Producers

According to Article 51 of the Copyright Law of Latvia phonogram producers have exclusive rights in respect of the phonograms or copies thereof to:

- 1) distribute;
- 2) make available to the public by wire or otherwise in an individually selected location and at an individually selected time;
- 3) lease, rent or publicly lend, also in the cases where the distributor thereof is the phonogram producer himself or herself or such has occurred with his or her consent; and
- 4) directly or indirectly, temporarily or permanently reproduce the phonograms or copies thereof.

- **Broadcasting Organizations**

According to Article 53 of the Copyright Law of Latvia broadcasting organizations, with respect to their broadcasts, shall have exclusive rights to:

- 1) make broadcasts for a charge or in locations, which are accessible to the public for a charge, or in locations where the owners or possessors use the broadcasts to attract customers;
- 2) the transmission of a signal carrying the program with the assistance of any other broadcasting organization, cable operator, or some other distributor;
- 3) the acquisition of any photographic image of the screen from a broadcast (photograph of the screen) if it is not done for personal use, and any duplication or distribution of such photographs
- 4) retransmission of broadcasts by cable;
- 5) making a broadcast or the fixation thereof available to the public by wire or otherwise so that they are available in an individually selected location and at an individually selected time;
- 6) fixation of any broadcasts by means of sound or video recording equipment, direct or indirect, temporary or permanent reproduction of a fixation of a broadcast and any distribution of such fixations.

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

Limitations to the economic rights of the author are provided under Articles 18 to 35 of the Copyright Law. Article 19 of the Copyright Law allows for free use of copyright protected material, without the authorization of the copyright owner and without remuneration to him. The exceptions apply in the following cases provided specific conditions are met:

- for informational purposes;
- for educational use and research purposes;
- for the needs of libraries, archives and museums;
- for the purposes of judicial proceedings;
- for parodies or caricatures
- in order for the visually impaired or the hearing-impaired to be able to use the work
- when a work is already publicly accessible or on display;
- for a public performance during official or religious ceremonies
- for a work used ephemerally by broadcasting organizations;
- for computer programs used for reproduction, translation and other transformations;
- to ensure the interoperability of a computer program; and
- for the alienation of a work to another person occurring repeatedly

Limitations to the rights of the neighboring rights holders are set forth in Article 54 of the Copyright Law.

Excluded from Copyright protection are the following (Article 6 of the Copyright Law):

- regulatory enactments and administrative rulings, other documents issued by the State and Local Governments and adjudications of courts (laws, court judgements, decisions and other official documents), as well as official translations of such texts and official consolidated versions;
  - State approved, as well as internationally recognised official symbols and signs (flags, Coats of Arms, anthems, and awards), the use of which is subject to specific regulatory enactments;
  - maps, the preparation and use of which are determined by regulatory enactments;
  - information provided in the press, radio or television broadcasts or other media information concerning news of the day and various facts and events;
  - ideas, methods, processes and mathematical concepts.
- *Protection of foreign works*

According to Article 3 of the Copyright Law, copyright to works that have been communicated in a foreign state in any material form shall be recognised as to citizens of Latvia and as to persons who are entitled to a non-citizen passport, or as to persons whose permanent residence (domicile) is in Latvia, as well as to the successors in title to such persons. Copyright to works that have been communicated or otherwise made known in a foreign state in any material form shall be recognized as to other persons, in accordance with the international agreements binding on Latvia.

With regard to neighboring rights, Article 56 of the Copyright Law states the following:

The rights of performers shall be recognised if one of the following conditions is met:

- the performer is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport, or a person whose permanent residence (domicile) is in Latvia;
- the performance occurred in Latvia;
- the performance is fixed in a phonogram which is protected in accordance with the provisions of Paragraph two of Article 56 of the Copyright Law; or
- a performance that is not fixed in a phonogram, has been included in a broadcast of a broadcasting organisation which is protected in accordance with the provisions of Paragraph four of Article 56 of the Copyright Law

The rights of phonogram producers shall be recognised if one of the following conditions is met:

- the producer of a phonogram is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport, or a person whose permanent residence (domicile) is in Latvia;
- the first sound fixation was made in Latvia; or
- the publication or making available to the public of the phonogram has occurred in Latvia.

The rights of film producers shall be recognised if one of the following conditions is met:

- the film producer is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport, or a person whose permanent residence (domicile) is in Latvia; or
- the first fixation of the film was made in Latvia.

The rights of broadcasting organisations shall be recognised if the official location of the broadcasting organisation is Latvia.

The aforementioned rights shall be recognised for foreign natural and legal persons in accordance with international agreements binding on Latvia.

- *Period of copyright protection*

The copyright in a work shall last for 70 years after the year of the author's death. If the country in which the work has been created is not a Member State of the European Union according to Article 5, Paragraph 4 of the Berne Convention for the Protection of Literary and Artistic Works and the author of the work is not a citizen of the European Union, the term of protection of this work in the European Union shall expire on the date of expiry of the protection granted by the country of origin, but it shall not exceed the term specified in Article 36 of the Copyright Law (Articles 36 to 39 of the Copyright Law).

Copyright to a work created by co-authors is effective for the duration of the lives of all the co-authors and for 70 years after the death of the last surviving co-author.

Copyright to audio-visual works is effective for 70 years after the death of the last of the following persons: the director, the author of the script, the author of the dialogue and the author of a musical work created for an audio-visual work.

Copyright to an anonymous or pseudonymous work is effective for 70 years from the moment when it has legally become available to public. If during the time referred to the author of a work whose work has legally become available to the public anonymously or under a pseudonym reveals his or her identity, or if there is no doubt about the identity, the provisions of Article 36 of the Copyright Law shall apply.

Copyright to works, whose term of copyright begins at the moment of legal publication and which are published in volumes, parts, installments or sections, shall be in force separately for each volume, part, installment or section.

Any person, who after expiration of a copyright lawfully publishes or communicates to the public a previously unpublished work, acquires rights which are equivalent to the economic rights of an author and are effective for 25 years from the first publication or the communicating to the public of the work.

A provision peculiar to Latvia is that authors whose works were prohibited in Latvia, or the use of which was restricted from June 1940 to May 1990, will have the years of prohibition or restriction excluded from the term of copyright.

The term of protection of Neighboring Rights is provided under Article 55 of the Copyright Law and stipulates the following:

1. The rights of performers shall be in effect for 50 years from the first performance. If during this time a fixation of the performance is lawfully published or communicated to the public, the period of protection shall be in effect 50 years from the day of such publication or communication to the public, depending on which action was the first. The moral rights of performers shall be in effect as long as the economic rights are in effect.
2. The rights of phonogram producers and film producers shall be in effect for 50 years from when the fixation was made. If during this time a phonogram or film has been lawfully published or communicated to the public, the period of protection shall be 50 years from the day of such publication or communication to the public, depending on which action was the first.
3. The rights of broadcasting organisations shall be in effect for 50 years from the first transmission of a broadcast.

The terms of protection specified in Paragraphs one, two and three of Article 55 shall also be in force if the right holders are not citizens of the European Union but at least one Member State of the European Union ensures protection to them. Such term of protection shall expire on the date when the protection granted by the state whose citizen the right holder is shall end, but shall not be

longer than the term specified in Paragraphs one, two and three of the aforementioned Article, unless otherwise provided by international agreements binding for Latvia.

The term for neighboring rights provided for in Article 55 shall begin on 1 January of the year following the year in which the rights were created (legal fact) and shall end on 31 December of the year in which the time referred to in this Article ends.

- *Registration*

According to Article 2 of the Copyright Law copyright ownership does not require registration, special documentation for the work, or observance of any other formalities. Copyright shall belong to the author as soon as the work is created, regardless if it has been completed.

Authors or their successors in title may indicate their rights to a work by means of a copyright protection symbol, which shall be affixed in such a manner and in such a place so that it is clearly visible. Such a sign shall include three elements:

- 1) the letter "C" within a circle;
- 2) the name (designation) of the right holder; and
- 3) the year of first publication of the work.

No formalities are necessary to affirm neighboring rights. Performers, phonogram producers and film producers may use, on copies of phonograms or their packaging, a sign consisting of two elements: the letter "P" within a circle and the year of the first publication of a phonogram or of the year of the fixation of a film (Article 47 of the Copyright Law).

## 5. International treaties

Latvia 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 August 11, 1995.
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#), in force since August 20, 1999.
- [WTO Agreement on Trade Related Aspects of Intellectual Property Rights](#) (TRIPS), since February 10, 1999.
- [WIPO Copyright Treaty](#) (WCT), in force since March 6, 2002.
- [WIPO Performances and Phonograms Treaty](#) (WPPT), in force since March 20, 2002.
- [Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#), in force since August 23, 1997.
- Cyber Crime Convention, in force since June 1, 2007.

## II. Measures and remedies

### 1. Copyright infringement

Article 68 of the Copyright Law defines copyright and neighboring infringement as follows:

(1) Violations of copyright and neighboring rights shall be deemed to be activities by which the personal or economic rights of the right holders are infringed, including:



1) fixation of copyright and neighboring rights objects, their publication, communicating them to the public, their reproduction or distribution in any form without the consent from the right holder;

2) activities, by which, without the permission of the right holders, electronic information regarding the management of rights attached by right holders has been extinguished, amended or transformed;

3) activities, by which an object of rights for which the electronic information regarding the management of rights has been extinguished, amended or transformed without permission is distributed, broadcast, communicated to the public or published;

4) the destruction or circumvention of such effective technological measures used by the right holder, which were intended in order to restrict or not allow any activity with the copyright and neighboring right object, or other activities with technological measures if such have occurred without the permission of the right holder;

5) the manufacture, importation, distribution, sale, lease, advertisement or use for other commercial purposes of such devices or the components thereof, as well as the provision of such services, which are directed towards the circumvention of effective technological measures or the destruction thereof;

6) the non-payment of the remuneration provided for in Articles 34, 35 and 52 of the Copyright Law; and

7) non-provision of the information provided for in Article 40, Paragraph five of the Copyright Law or provision of such information to an inadequate extent.

(2) In determining whether an action qualifies as an infringement of copyright or neighboring rights, the restrictions of copyright or neighboring rights specified in the Copyright Law shall be taken into account.

(3) Copyright and neighboring rights objects or the copies thereof produced as a result of illegal actions are infringing copies.

(4) Copyright and neighboring rights objects protected in Latvia which have been imported from countries where such works are not protected by copyright or where the term of protection has expired shall also be deemed to be infringing copies.

There are no specific provisions concerning Internet copyright infringement (Internet piracy).

## **2. Remedies to protect copyright holders**

- Civil Remedies

Copyright protection is enforced through the Copyright Law, the Civil Procedure Law, the Administrative Violations Code and the Criminal Law of Latvia.

If there is an illegal use of the objects of the copyright or neighboring rights, the rights holder is entitled to:

- request the prohibition of the use of the pirated works
- request the destruction of the pirated copies
- claim economic loss and compensation for moral damages

Administrative liability is applied for less serious violation of the law, but in serious cases criminal liability is applied.

Upon identifying counterfeit copies, the police or another competent state institution is obliged to confiscate them. The competent institution takes a decision regarding destruction of counterfeit copies and decides on liability of the offender if the offender is identified.

General Principles for the Protection of Rights of the Copyright Holders and Neighboring Right holders are set forth in Article 69 of the Copyright Law which stipulates that:

(1) Copyright holders and neighboring right holders, organizations for collective management of economic rights, and other representatives of copyright holders and neighboring right holders have the right:

1) to require of the person who has illegally used the object of copyright or neighboring rights to recognize the rights of the copyright holders and neighboring right holders;

2) to prohibit the use of their works;

3) to require that the person who has illegally used the object of copyright or neighboring rights renew the status existing prior to the infringement of these rights, and that the illegal activity be stopped or that creative work not be threatened;

4) to require that the person stop the activities that are considered to be preparation for illegal use of the objects of copyright or neighboring rights;

5) to require that the person who has illegally used the object of copyright or neighboring rights compensate the losses and moral damage incurred by the copyright holders or neighboring right holders;

6) to require that the infringing copies be destroyed; and

7) to require that intermediaries the services provided by whom are used in order to infringe the rights of the copyright holders or neighboring right holders, or who make such infringement possible, shall perform relevant measures for the purpose of preventing the users from being able to perform such infringements. If the intermediary does not perform relevant measures, the copyright holder or neighboring right holder or their representative has the right to bring an action against the intermediary.

(2) To protect their rights, the copyright holders and neighboring right holders or their representatives may initiate proceedings. If the rights that are to be protected in accordance with the procedures specified in Chapter X of the Copyright Law have been infringed, an action for protection of the infringed rights shall be brought by the copyright holder or neighboring right holder himself or herself or, on behalf of the right holders – by the organization for collective management of economic rights.

(3) When bringing an action concerning infringement of rights to a court, the copyright holders and neighboring right holders shall be exempt from the State fee. Organizations for collective management of economic rights, when bringing an action to court concerning infringement of rights that arise from the cases referred to in Article 63, Paragraph five of the Copyright Law shall be exempt from the State fee.

The procedure for determining the amount of compensation for losses and moral damage is provided under Article 69 of the Copyright Law and stipulates the following:

(1) If objects of copyright or neighboring rights have been illegally used due to the fault of a person, the copyright holders or neighboring right holders are entitled to require a compensation for the incurred losses and moral damage.

(2) The amount of compensation for losses and moral injury shall be determined in accordance with the Civil law. When determining the amount of compensation for losses, the unfair earnings gained by the person who has illegally used the object of copyright or neighboring rights may be taken into consideration.

(3) If the amount of actual losses cannot be determined in accordance with Paragraph two of this Article, the amount of compensation for losses shall be determined in accordance with the amount which could be received by the copyright holder or neighboring right holder for the issue of a permit to use the object of copyright or neighboring rights.

Upon identifying infringing copies, the police or another competent State institution shall seize them. In deciding the liability of the offender, a decision shall be taken regarding destruction of the infringing copies. If the offender is not identified, a decision regarding destruction of the infringing copies shall be taken by the institution, which has seized them (Article 70 of the Copyright Law).

According to Article 250 of the Civil Procedure Law, the court may present as a remedy to copyright infringement one or several of the following measures:

- to stop the infringement

- to pay damages (economic loss and moral damages)
- to fully or partially publicize the court judgment in newspapers and other mass media
- to destroy the counterfeiting goods or the devices permitting the production of the counterfeiting goods

When the rules of the Latvian Administrative Violations Code concerning copyright infringement are violated (Article 102.1 Violation of Selections Rights; Article 155.8 of the Unlawful Acts with Objects of Copyright and Neighboring Rights; Article 204.4 Violation of Film Distribution Rules; Article 204.6 Unlawful Use of Copyright and Neighboring Rights Objects) the sanctions are as follows:

- Administrative fines – up to 250 Latvian Lats for individuals and 2000 Latvian Lats for legal entities
- Seizure

- **Criminal Remedies**

When the rules of the Criminal Law concerning copyright infringement are violated (Article 147 Violation of Inventors' and Designers' Rights; Article 148 Infringement of Copyright and Neighboring Rights; Article 149 Unlawful Acts with Objects of Copyright and Neighboring Rights) the sanctions are as follows:

- Seizure
- Custodial arrest
- A fine up to 200 times the minimum monthly wage
- Imprisonment for up to 7 years
- Community service

The penalty can become severe (for example imprisonment for 7 years) if the copyright infringement is conducted repeatedly or in a group.

### **3. Provisional measures**

Since the 1<sup>st</sup> of May 2007, if the claimant has sent a reasonable application form and if there is a reason to believe that his rights as a copyright holder are infringed or may be infringed, a court may take provisional measures (Article 250 of the Civil Procedure Law).

In order to obtain the provisional measure, the claimant shall indicate in the application the type of protection needed. The protection is allowed at any stage of the proceedings: before or after bringing the action into court.

In general the court or the judge shall respond within a period of 10 days after the submission of the application. In cases the delay may cause irreversible harm to the claimant, the court or the judge shall provide their decision no later than the following day of the receipt of the application.

If the provision has been given without the presence of the defendant or any other participants in the matter, they shall be nevertheless notified before the execution of the decision.

In satisfying an application, a court or a judge may request that the claimant provides some securities (Article 250 § 3, Clause 3 of Civil Procedure Law in regards to the amount).

The provisional measures are:

- Confiscation of the goods that are possibly infringing copyright
- Seizure of the goods that are possibly infringing copyright
- Restriction in performing specific activities

### **4. Penalties for copyright infringement**

The general rule is as follows:

- In civil cases
  - Damages (economic loss and moral damages)

- Publication the court judgment in newspapers and other mass media
  - destruction of the counterfeiting goods or the devices permitting the production of the counterfeiting goods
  - Administrative fines – up to 250 Latvian Lats for individuals and 2000 Latvian Lats for legal entities
- For criminal offence in copyright cases
    - Custodial arrest
    - A fine up to 200 times the minimum monthly wage
    - Imprisonment for up to 7 years
    - Community service

The penalty can become severe (for example imprisonment for 7 years) if the copyright infringement is conducted repeatedly or in a group.

## **5. Requirements for foreign persons**

Laws of Latvia do not provide special requirements for foreign persons to obtain enforcement of their copyright in Latvia. However according to Article 13 of the Official Language Law court proceedings in the Republic of Latvia shall take place in the official language. The right to use a foreign language in court shall be determined by laws regulating the judicial system and court procedure. Therefore in most cases foreign persons entrust the representation of their rights to Latvian agencies who are entitled to act in governmental and non-governmental procedures.

# **III. Enforcement**

## **1. Enforcement authorities**

### **a) Authorities responsible for enforcing the copyright law**

The Ministry of Interior (MOI) has the authority to enforce the Copyright Law and other laws on intellectual property.

### **b) Enforcement bodies entitled to act ex-officio in copyright infringement cases**

Institutions are entitled to act ex-officio:

- 1) in administrative and criminal cases when action is started by state (police)
- 2) in Customs control operations.

### **c) Courts dealing with copyright cases**

Copyright cases fall under jurisdiction of courts of Latvia on the basis of general regulations. There are no specialized courts for copyright/intellectual property rights.

## **2. Enforcement at the border**

Copyright enforcement measures are implemented in accordance with the EU Council Regulation No. 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights. The Commission Regulation No. 1891/2004 of 21 October 2004 lays down provisions for the implementation of the Council Regulation No. 1383/2003.

National measures are provided by the Cabinet of Ministers of the Republic of Latvia Regulations 749 of 4 October 2005 Procedures for Customs Control Measures for the Protection of Intellectual Property Rights. Intellectual Property Protection Subdivision of Customs Violations Prevention Division of National Customs Board of the Republic of Latvia is responsible for administering applications for action lodged by right holders. No security is applied to protect the defendant.

The Council Regulation No. 1383/2003 prescribes the terms of suspension of possibly pirated goods - 10 working days if application for action is accepted by Customs or 3 working days if Customs is acting ex-officio. In both cases importers and right holders are informed about detention of possibly counterfeit or pirated goods.

Article 11 of the Council Regulation No. 1383/2003 provides that a simplified procedure may be applied for the destruction of goods without determining whether a copyright has been infringed under national law. Right holder may choose to initiate court proceedings against infringer as well.

Article 3.2 of the Council Regulation No. 1383/03 provides that, in the travelers' personal luggage, goods of a non-commercial nature, within the limits of the duty-free allowance and if there are no material indications to suggest that they are part of commercial traffic, shall be considered to be outside the scope of this Regulation."

Latvian Customs may penalize infringer with a maximal fine of 5000 Latvian Lats (approximately EUR 7143) and confiscate pirated goods in accordance with Paragraph 201.10 of the Latvian Administrative Violations Code.

## **IV. Public Awareness**

### **1. Awareness campaigns and actions**

Several public awareness campaigns against piracy and counterfeit were organized in the framework of the EU PHARE program "On industrial and intellectual property right protection" (2005-2006).

### **2. Promotion of legal exploitation**

### **3. Associations and organizations with awareness-raising purpose**

### **4. Best practices**

## **V. Capacity-building**

### **1. Training**

In order to increase the professional qualification of representatives of enforcement agencies, significant attention and resources are dedicated to the training of customs officials, Economic Police officials, judges and prosecutors.

Matters concerning intellectual property rights are included in the general standards of all-around education as an obligatory part of the program.

A close cooperation and ongoing communication among enforcement agencies has been established. The Economic Police officials, prosecutors and customs officials engaged in IPR infringements meet regularly to coordinate their enforcement activities as well as to agree on legislative improvements. Customs officials and Economic police unit have performed several joint inspections on goods entering the country.

## **2. Establishment of specialized units and intersectoral groups**

- Establishment of an Intellectual Property Unit

In March 2005, the Ministry of Interior completed the establishment of the Intellectual Property Protection (IPR) Unit at the Economic Police Department, specifically tasked with detecting and preventing violations of intellectual property rights.

The aim of the IPR Unit is:

1. to gather information about imminent copyright infringement in order to prevent such infringement
2. to disclose a crime concerning copyright infringement
4. to cooperate with non-governmental copyright protection organizations or collective management companies
5. to assist in developing laws concerning copyright protection
6. to participate in seminars concerning copyright protection

- Establishment of the Intellectual Property Rights protection Council

In January 2006, in accordance with the Government's priority to intensify its work on IPR enforcement and protection, the Cabinet of Ministers established "Intellectual Property Rights Protection Council."

The aim of the Council is to coordinate and improve the work of Latvian institutions in protecting and enforcing intellectual property rights.

The Council is headed by the Minister of Justice of Latvia and it includes state secretaries of ministries of Interior, Justice, Culture, Finance, Foreign Affairs and others as well as Chief Prosecutor and Chairman of the Supreme Court.

- Establishment of an Expert Working Group on Intellectual Property Rights

In December 2005 the Prime Minister's decree No. 548 established an "Expert Working Group on Intellectual Property Rights".

The expert group consists of representatives from various Ministries, enforcement agencies and non-governmental organizations. The main objective of the Working group is to develop activity plan on IPR issues.

- Establishment of a Copyright and Neighboring Rights Division within the Ministry of Culture

In January 2000, the Copyright and Neighboring Rights Division was established within the Ministry of Culture.

The jurisdiction of the Ministry in the field of copyright and related rights is:

1. drafting legislation and resolutions in the sphere of copyright and related rights
2. submission of proposals on establishing consultative and expert commissions, councils and working groups in order to resolve topical issues related to copyright and related rights
3. organizing and carrying out supervision of organizations that administer economic rights on a collective basis
4. informing the community on the issues of copyright and related rights
5. accumulating and analyzing information of the copyright and related right situation and supervision in the country

6. analyzing the documents of the EU, WIPO and other institutions in the field of copyright and related rights
7. drafting legislative proposals for their implementation in the Republic of Latvia.

### **3. Best practices**

## **VI. Other**

### **1. TPM/DRM**

According to Article 68 of the Copyright Law, copyright infringement includes the following:

- activities, by which, without the permission of the right holders, electronic information regarding the management of rights attached by right holders has been extinguished, amended or transformed;
- activities, by which an object of rights for which the electronic information regarding the management of rights has been extinguished, amended or transformed without permission is distributed, broadcast, communicated to the public or published;
- the destruction or circumvention of such effective technological measures used by the right holder, which were intended in order to restrict or not allow any activity with the copyright and neighboring right object, or other activities with technological measures if such have occurred without the permission of the right holder;
- the manufacture, importation, distribution, sale, lease, advertisement or use for other commercial purposes of such devices or the components thereof, as well as the provision of such services, which are directed towards the circumvention of effective technological measures or the destruction thereof.

### **2. Licensing Schemes**

### **3. Optical Discs**

### **4. Hotlines**

### **5. Contact Details**

Government

Ministry of Culture of Latvia

Copyright and Neighbouring Rights' Division,

Address: K. Valdemara street 11 a, Riga, LV – 1364

Tel: +371 67078107

Fax: +371 67078107

E-mail: [pasts@km.gov.lv](mailto:pasts@km.gov.lv); [copyright@km.gov.lv](mailto:copyright@km.gov.lv)

Website: [www.km.gov.lv](http://www.km.gov.lv)

Latvian State Police  
Main Criminal Police Department  
Economic Police Department  
Intellectual Property Protection Unit  
Stabu street 89, Riga, LV – 1009  
Tel: +371 67208663  
E-mail: [epb@vp.gov.lv](mailto:epb@vp.gov.lv)  
Website: [www.vp.gov.lv](http://www.vp.gov.lv)

Customs contact points responsible for combating counterfeiting and piracy:

1. Contact point responsible for legislative aspects –  
Intellectual Property Protection Subdivision  
Customs Violation Prevention Division  
National Customs Board of the Republic of Latvia  
Address: 11. Novembra krastmala 17, Riga, LV- 1841  
Tel: +371 671 112 44  
Fax: +371 671 114 35  
E-mail: [customs@vid.gov.lv](mailto:customs@vid.gov.lv)

2. Contact point responsible for operational aspects –  
National Contact Point of Customs  
Customs Criminal Board (24/7)  
Address: 6, Eksporta Street, Riga, LV-1010  
Tel: +371 673 572 82  
Fax: +371 673 572 22  
E-mail: [ncp@ccb.vid.gov.lv](mailto:ncp@ccb.vid.gov.lv)

List of applications for action lodged with Latvian Customs can be found on  
<http://www.vid.gov.lv/default.aspx?tabid=9&id=996&hl=1>

#### NGOs

Latvian Music Producer's Association (LaMPA) - representing the interests of editors and distributors of legal music recordings and combating against piracy of music recordings  
Address: Slokas street 69, Riga, LV-1007  
Tel/Fax: + 371 67459911  
E-mail: [ojars@lampa.org.lv](mailto:ojars@lampa.org.lv)

**Latvian Committee of Business Software Alliance (BSA)** - international NGO carrying out protection of software copyright and combating illicit software application



Address: Kirsu street 6, Adazi, LV-2164

Tel: +371 29488795

E-mail: [bsa@bsa.lv](mailto:bsa@bsa.lv)

Website: [www.bsa.lv](http://www.bsa.lv)