

Changes in Copyright Law

The Belarusian parliament adopted amendments to the Copyright Law of the Republic of Belarus (the "**Amendments**") on 15 July 2019. Several of the Amendments came into force on 27 July 2019; however, many key Amendments will not come into force until 27 May 2020. The Amendments have improved the practical application of the copyright regulations and brought the regulations into line with the needs of society and the international obligations of Belarus regarding the rights of disabled persons.

What's new?

Free use of a work in education and by persons with disabilities

The Amendments allow works to be used for educational purposes without restriction. However, it is mandatory to specify the author and the source for the borrowing of the work.

In addition, the Amendments expand the list of cases where a work may be used without restriction by the blind and visually impaired persons. The Amendments introduce in particular the possibility of converting not only a work but also its translation into a special format, thus enabling the blind and visually impaired persons to perceive information. After conversion, the work may be imported, distributed, transferred and rented without the author's permission and without payment of remuneration for the above-mentioned purposes only, i.e. exclusively for the blind and visually impaired persons. At the same time, unlimited access to such works by persons for whom they are not intended must be restricted.

License agreement

The concept of the copyright agreement under which an author personally grants a license was included in the general regulations applicable to license agreements. The Amendments introduced an obligation on parties to a license agreement to specify the ways in which the copyright objects may be used. In addition, the Amendments set forth the default rules that apply if the license agreement with an author does not explicitly specify the term or territory. In particular, where the license agreement stays silent on such issues, the default term is three years and the license extends to the territory of Belarus only.

Open license

The Amendments also introduce the concept of an open license, defined as a simplified way of concluding a license agreement in respect of any copyright object by accepting a public offer. Such a possibility was previously only envisaged for software and databases. An open license is presumed to be free of charge unless it directly specifies payment. As a default rule, the open license is deemed to have been accepted and the license agreement concluded if a person starts using the relevant copyright object. The open license extends globally if the license agreement does not contain a clause setting out its territorial scope. The default term of the open license is equal to the term of the relevant exclusive rights with respect to software and databases. For other copyright objects, the default term is five years.

Amount of compensation

The minimum amount of compensation for copyright infringement was reduced to one base unit



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(approximately EUR 11). Previously, the minimum amount of compensation was ten base units (approximately EUR 110).

Summary

The Amendments improve the copyright regulations by bringing them into line with modern trends. In fact, they integrate into Belarusian copyright law an analogue of the open license concept widely used throughout the world. The

Amendments also strike a balance between the needs of society and authors' rights. In general, the Amendments have been positively received by the Belarusian business community.

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