



## Country Report Latvia

Annual report to the IFLA CLM committee  
Helsinki Finland 2012

### Copyright

#### *Revision/changes in existing law or regulations*

*Mass digitization and digital preservation* – The revision of the current Copyright law is in process, a representative from the National Library of Latvia is a member of the working group reviewing the law, organised by the Ministry of Culture of Latvia, and representatives of ALM sector have had a couple of meetings with the working group, identifying the things in the law that need to be improved. Current agreement is that three provision could be changed:

- The provision defining the cases when digitisation of cultural heritage materials by ALM institutions are allowed (current version is rather tangled and can be easily misinterpreted; the suggestion is to simplify the text, providing, that memory institutions are allowed to digitise materials in their holdings that are no longer commercially available for preservation purposes without copyright owners consent and without any remuneration);
- The provision for access of digitised materials (current version allows materials to be accessed on premises of memory institutions in closed network for registered users using specially designed workstations, extending the definition of the closed network also to the network of public libraries ; the new proposal adds educational institutions and NGOs serving as memory institutions to the mix of institutions and replaces the provision of the closed network with a provision of secured connection);
- The provision for access of thumbnails (a new provision applying the exception regarding promotional use of works to the thumbnails used by memory institutions, or maybe even without restriction of the user).

Some other changes regarding the legal status of e-books and their lending could be introduced as a result of a EIFL-IP project of the National Library of Latvia currently in progress. The results of the project are also expected to introduce some changes to the Library law and Legal deposit law.

*Levies* – Levies are the main reason politicians want to change the law; a decision of the Constitutional court has decided that the current levies for data carriers are unfair (they do not include mobile telephones and other modern equipment) and have to be changed by December this year; as a result the current system of data carrier levy could be dropped as such and a new levy on content could be introduced (a surcharge to the price of DVD, for example). Also the levies for public performance of works has received a lot of heat as of late, and some changes could be introduced regarding these levies.

*Legal deposit* – The current Legal deposit law is undergoing revision process as well, but currently has stalled. It was expected that the number of books deposited will be changed from 7 to 3-4, effectively turning the legal deposit copies in preservation copies and prohibiting lending of these copies, the definition of works in electronic form is would be revised and possibly moved from the law to separate regulations of Cabinet of Ministers, together with regulations of accessibility of deposited works, and deposit of electronic versions of printed works to be introduced. Publishers have been dead against the latter proposal and an agreement has been reached to try out the later provision on a voluntary bases for a couple of years.

*Public lending rights* – The revised version of Copyright law probably will remove the notion that authors are to be remunerated for usage of digital versions of their works according to the public

lending scheme, since public lending right doesn't apply to digital use of works; instead a similar scheme could be introduced for usage of digital materials (including e-books).

*Creative Commons* – The work to harmonise the CC licences has been started by a group of enthusiasts, the current progress is not known. Also the rights holders have been pressuring the Ministry of Culture to drop the uses of works for which collective management currently is mandatory (public performance, for example) and allow individual management as well, which currently is the major obstacle for harmonising CC licences with national legislation.

### ***New legislation***

A new legislation or changes to the existing Copyright law could be introduced as a response to the EU regulation on orphan works. Also there have been some ideas circulating that a new law regarding the digital cultural heritage could be introduced as a part of a national work plan on digital cultural heritage, which would define the role of memory institutions as keepers of national cultural heritage also in digital format.

### **Legal matters**

#### *Trade agreements*

The Latvian ministry of Economy has been rather keen to adopt ACTA.

### **Law cases**

An interesting case is currently in the court – some authors (backed by their publishers) have sued a privately owned digital library venture for digitizing and making available their works. The company claims that it actually haven't made their works available, since they are a state registered library (which is true), they are lending works (and paying authors according to state regulations, which also is true), and that they are digitizing works (which they do not own) on basis that digital copies can be lent, therefore they insist that the digitization is also legal.

### **Lobby activities**

### **Educational activities**

### **Strategic plans for future**

E-books and their lending are in the spotlight now, and National Library of Latvia are running a EIFL-IP project to prepare and introduce the necessary changes in legislation to clarify the legal aspects, as well as to prepare and sign a memorandum of agreement between library and publisher organisations on main principles of e-books in libraries. The strategic thinking is to reach a mutual understanding and clear the legal hurdles before a local e-book market and lending practices have been established.

Prepared by Uldis Zarins  
31.07.2012