

THE MEDIA AND  
ENTERTAINMENT  
LAW REVIEW

THIRD EDITION

Editor  
Benjamin E Marks

THE LAWREVIEWS

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ENTERTAINMENT  
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This article was first published in November 2021  
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Published in the United Kingdom

by Law Business Research Ltd, London

Meridian House, 34–35 Farringdon Street, London, EC4A 4HL, UK

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ISBN 978-1-83862-802-4

Printed in Great Britain by

Encompass Print Solutions, Derbyshire

Tel: 0844 2480 112

# ACKNOWLEDGEMENTS

The publisher acknowledges and thanks the following for their assistance throughout the preparation of this book:

AL TAMIMI & CO

BIRD & BIRD

CMS VON ERLACH PARTNERS LTD

DELOITTE LLP

GRÜNECKER PATENT UND RECHTSANWÄLTE PARTG MBB

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# PREFACE

I am pleased to serve as editor and US chapter author of this important survey work on the evolving state of the law around the world as affects the day-to-day operations of the media and entertainment industries.

The year 2021, like 2020, has been an unusual and challenging one, as the media and entertainment industries continue to adapt to the ravaging effects of the covid-19 pandemic. While there has been some degree of recovery in many countries, with lockdowns abating and the return of live music, festivals, theatrical performances and live sporting events, attendance at in-person events remains well below the norm. Concert promoters, touring artists and theatre and venue operators remain hard hit by the ongoing effects of the pandemic, but other parts of the media and entertainment industries have fared quite well. Bolstered by the continued growth of on-demand music streaming services, music publishers and record companies are flourishing. The market for on-demand video streaming continues to evolve, with numerous high-profile product launches over the past year, and disruptions to the previously prevailing practice of an exclusive period of theatrical release preceding streaming for high-profile movies. It remains to be seen which changes to the media and entertainment industries in response to the pandemic will prove temporary and which will be permanent.

The pandemic is hardly the only global phenomenon accelerating changes to media and entertainment. We continue to see a rise in challenges to press freedom by repressive government regimes – a phenomenon, it should be noted, that has been testing the strength of free speech traditions in the world's most protective speech regime, the United States. The manifestations include increased censorship, reduced transparency and more appalling acts of violence against journalists and editors. Around the world, business, governments and legal regimes continue to adapt to technological change, with the increased use of artificial intelligence and 'deep fakes' just a few of the examples at the forefront.

This timely survey work provides important insights into the ongoing effects of the digital revolution and evolving (and sometimes contrasting) responses to challenges both in applying existing intellectual property laws to digital distribution and in developing appropriate legislative and regulatory responses that meet current e-commerce and consumer protection needs. It should be understood to serve not as an encyclopedic resource covering the broad and often complex legal landscape affecting the media and entertainment industries, but, rather, as a current snapshot of developments and country trends likely to be of greatest interest to the practitioner. Each of the contributors is a subject field expert and their efforts here are gratefully acknowledged. Each has used his or her best judgement as to the topics to highlight, recognising that space constraints required some selectivity. As will

be plain to the reader, aspects of this legal terrain, particularly those relating to the legal and regulatory treatment of digital commerce, remain in flux, with many open issues that call for future clarification.

This work is designed to serve as a brief topical overview, not as the definitive or last word on the subject. You or your legal counsel properly should continue to serve that function.

**Benjamin E Marks**

Weil, Gotshal & Manges LLP

New York

November 2021



# LITHUANIA

*Stasys Drazdauskas and Paulius Mockevičius<sup>1</sup>*

## I OVERVIEW

Lithuania is the largest media and entertainment market in the Baltic region. In 2018, Lithuania's media industry had a total turnover of €891.7 million and employed approximately 30,000 media workers.<sup>2</sup> Television, radio and news websites are the most popular forms of media, whereas the consumption of print media is in line with the global downward trend. According to the official 2021 statistics, 82 per cent of Lithuanians aged 16 to 74 use the internet (in the group aged 16 to 29, the figure reaches 99 per cent).<sup>3</sup> The large number of internet users has led to a rapid growth of digital media, which is expected to be further boosted by the 5G network, due to be introduced at the end of 2021 and expected to be fully developed in Lithuania by 2025. Media companies in Lithuania operate under market economy conditions. The ownership of national and regional media is concentrated among a small number of domestic and foreign companies. Private broadcasters compete with the public networks run by Lithuanian National Radio and Television. The state supports media by providing partial financing for cultural, media security, media literacy and educational projects.

In 2021, Lithuania ranked 28th out of 180 countries in Reporters Without Borders' World Press Freedom Index,<sup>4</sup> outranking states such as France, the United Kingdom and the United States. Although the media are free and operate independently of the state, anti-Western rhetoric from Russian media targeting the Baltic states has prompted tighter controls.<sup>5</sup>

## II LEGAL AND REGULATORY FRAMEWORK

In Lithuania, legislation concerning the media is primarily represented by the Law on the Provision of Information to the Public (LPIP)<sup>6</sup> and the Law on Electronic Communications.<sup>7</sup>

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1 Stasys Drazdauskas is a counsel and Paulius Mockevičius is an associate at Sorainen.

2 <https://osp.stat.gov.lt/statistiniu-rodikliu-analize>.

3 <https://osp.stat.gov.lt/statistiniu-rodikliu-analize>.

4 [https://rsf.org/en/ranking\\_table](https://rsf.org/en/ranking_table).

5 [www.bbc.com/news/world-europe-17536870](https://www.bbc.com/news/world-europe-17536870).

6 Lithuanian version, as amended, available at [www.e-tar.lt/portal/lt/legalAct/TAR.065AB8483E1E/UJIFyNIPJSJ](http://www.e-tar.lt/portal/lt/legalAct/TAR.065AB8483E1E/UJIFyNIPJSJ). English version, as amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/2865241206f511e687e0fbad81d55a7c:jfwid=1clcwosx33>.

7 Lithuanian version, as amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232036/fcaHrJiztL>. English version, as amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/7092f502c43811e5a141fec4d43d786:jfwid=-fxdp786k>.

The LPIP establishes the procedure for collecting, producing, publishing and disseminating public information and the rights, duties and liability of producers and disseminators of public information, their participants, journalists and institutions regulating their activities. The law establishes licensing and notification requirements for broadcasting (TV, radio) organisations, limitations on ownership, requirements for, inter alia, media content, programme composition, language, advertising restrictions and ethics.

Other relevant provisions reside in:

- a* the Constitution;<sup>8</sup>
- b* the Civil Code;<sup>9</sup>
- c* the Law on Copyright and Related Rights;<sup>10</sup>
- d* the Law on Information Society Services;<sup>11</sup>
- e* the Law on Access to Information and Data Reuse;<sup>12</sup>
- f* the Law on Legal Protection of Personal Data<sup>13</sup> (in conjunction with the General Data Protection Regulation (GDPR));<sup>14</sup>
- g* the Law on the Protection of Minors Against the Detrimental Effect of Public Information;<sup>15</sup> and
- h* the Code of Ethics in Providing Information to the Public of Lithuania.<sup>16</sup>

The Law on the Protection of Minors against the Detrimental Effect of Public Information is sometimes seen as a tool for censorship and the amendment to the LPIP introducing penalties for spreading information that is considered war propaganda, encouragement to change the country's constitutional order, or an encroachment on the country's sovereignty may also be considered non-typical legislation.

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- 8 Lithuanian version, as amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.1890/asr>. English version, as amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.275302?jfwid=-wd7z8ivg5>.
  - 9 Lithuanian version, as amended, available at [www.e-tar.lt/portal/lt/legalAct/TAR.8A39C83848CB/htnZUIRbvd](http://www.e-tar.lt/portal/lt/legalAct/TAR.8A39C83848CB/htnZUIRbvd). English version, not amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.404614?jfwid=pffih3t2r>.
  - 10 Lithuanian version, as amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.81676/GJrgHCUrve>. English version, not amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/5a34cbb04fe611e5a4ad9dd3e7d17706?jfwid=9tq147ogj>.
  - 11 Lithuanian version, as amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.277491/FGVmSopPwK>.
  - 12 Lithuanian version, as amended, available at [www.e-tar.lt/portal/lt/legalAct/TAR.FA13E28615F6/QwCYWKRpeY](http://www.e-tar.lt/portal/lt/legalAct/TAR.FA13E28615F6/QwCYWKRpeY). English version, not amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.440732?jfwid=rivwzvpvg>.
  - 13 Lithuanian version, as amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29193/asr>. English version, not amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.435305?jfwid=nz8qn7vvf>.
  - 14 <https://eur-lex.europa.eu/eli/reg/2016/679/oj>.
  - 15 Lithuanian version, as amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.183129/asr>. English version, not amended, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.410974?jfwid=pffih3unx>.
  - 16 Lithuanian version, as adopted on 29 February 2016, available at <https://www.etikoskomisija.lt/teisine-informacija/etikos-kodeksai/item/215-visuomenes-informavimo-etikos-kodeksas>. English version, not amended, available at <https://www.etikoskomisija.lt/teisine-informacija/etikos-kodeksai/item/216-cod-e-of-ethics-in-providing-information-to-the-public-of-lithuania>.

To ensure freedom of information, the LPIP prohibits the exertion of pressure on producers or disseminators of public information and their contributors and journalists to present information in the media in an incorrect or biased manner. Producers or disseminators of public information and their contributors and journalists have the right to keep their sources of information confidential and not to disclose these, except where a court orders disclosure.

As regards intellectual property, journalists enjoy both economic and moral rights over their articles, publications, audiovisual works and radio and television broadcasts as provided in the Law on Copyright and Related Rights. Pursuant to Article 9 of the Law, an author's economic rights in a work created by him or her as an employee in the execution of his or her duties or fulfilment of work functions is transferred to the employer for a period of five years, unless otherwise provided for by an agreement.

Media are supervised by an independent regulatory authority: the Radio and Television Commission (RTC). The RTC is responsible for licensing radio and television broadcasting and rebroadcasting activities, notification procedures, approval of ownership transfers, monitoring and supervision of content control, and advertising requirements.

Other regulatory bodies that may exercise supervision over electronic communication service providers pursuant to their competence include (not exhaustively) the State Consumer Rights Protection Authority, the State Data Protection Inspectorate, the Competition Council and the Inspector of Journalist Ethics.

### III FREE SPEECH AND MEDIA FREEDOM

#### i Protected forms of expression

Article 25 of the Constitution of the Republic of Lithuania provides that everyone shall have the right to have his or her own convictions and freely express them; no one must be hindered from seeking, receiving or imparting information and ideas.

To ensure the freedom of the media, Article 44 of the Constitution stipulates that censorship of mass information is prohibited. The state, political parties, political and public organisations, and other institutions or persons are not allowed to monopolise the mass media.

The freedom to express beliefs, as well as to receive and spread information, may be limited only by law when:

- a* this is necessary to protect human health, honour or dignity, private life or morals;
- b* this is necessary to defend the constitutional order; and
- c* it concerns incitement to national, racial, religious or social hatred, incitement to violence or to discrimination, as well as defamation and disinformation.

The LPIP specifies that publication in the media of information is prohibited when it:

- a* disseminates disinformation or war propaganda, incites war or urges the violation of Lithuanian sovereignty, to change its constitutional order, encroach on its independence or violate the integrity of the national territory;
- b* incites terrorism offences;
- c* incites hatred, bullying, contempt, discrimination or violence in physical dealings with a group of people or a person belonging to a group on the grounds of their age, sex, sexual orientation, ethnicity, race, nationality, citizenship, language, origin, social status, disability or religion, or on the basis of their beliefs, opinions or religion;
- d* disseminates, promotes or advertises pornography, sexual services or paraphilias;

- e* promotes or advertises the use of narcotic drugs, psychotropic substances or other substances that cause psychological dependence, or promotes psychological dependence on gambling;
- f* is slanderous and offensive to a person or degrades his or her honour and dignity; or
- g* violates the presumption of innocence and impedes the impartiality of judicial authorities.

The Law on the Protection of Minors against the Detrimental Effect of Public Information imposes additional restrictions on the dissemination of information that has a detrimental effect on minors. Such information includes, for instance, information that:

- a* encourages aggressiveness and disrespect for life or destruction or damage of property;
- b* shows close-ups of the body of a deceased, dying or cruelly mutilated person;
- c* promotes gambling, encourages or offers participation in gambling and other games that create an impression of an easy gain;
- d* demonstrates staged paranormal phenomena creating an impression that these phenomena are real;
- e* promotes bad eating and hygiene habits and lack of physical exercise;
- f* shows mass hypnosis sessions in which the influenced object is the audience of a mass medium; or
- g* expresses contempt for family values, encourages the concept of entry into a marriage and creation of a family other than stipulated in the Constitution and the Civil Code of the Republic of Lithuania.

Advertising and commercial communications are also subject to certain restrictions imposed by special laws (mainly in the field of customer protection).

In practice, the most common problems involve the questionable balance between the freedom of expression and an individual's right to dignity and privacy. The case law regarding these matters is exceptionally broad, although not heterogeneous enough.

## **ii Newsgathering**

According to the text of the LPIP, every person has the right to collect information and publish it in the media. However, to prevent violation of people's rights and to protect people's honour and dignity, in collecting and publishing information, it is prohibited to:

- a* film, photograph or make audio or video recordings without a person's consent within the residential premises of a natural person, the private domain of a natural person and a fenced or otherwise clearly marked territory belonging thereto, regardless of whether that person is present in the aforementioned places;
- b* film, photograph or make audio or video recordings during non-public events without the consent of organisers that have the right to hold the events;
- c* film or photograph a person and use his or her images for advertising purposes in the media without the consent of that person;
- d* film or photograph a person with evident physical disabilities without that person's consent, or film or photograph a person who is in a helpless state because of a health impairment;
- e* film or photograph a child or make audio or video recordings of him or her without the consent of at least one of the parents, guardians or custodians and the child himself or herself. It is prohibited to use photographs, audio or video recordings of children in information of an erotic, pornographic or violent nature; and

- f* film or photograph close-ups of a deceased or fatal casualty without the consent of the family members of the deceased or casualty, or make video recordings of him or her.

In producing and disseminating public information, a person's right to protection of information of a private nature must be ensured. Information about a person's private life may be published only with the consent of that person, except in the following cases, where:

- a* the publication of the information contributes to revealing violations of law or criminal acts;
- b* the information is presented in open court proceedings; or
- c* the information discloses the circumstances of the aforementioned person's private life or his or her personal characteristics, which are of public importance.

In any case, the collecting and processing of personal data must meet the strict requirements of the Law on Legal Protection of Personal Data in conjunction with the GDPR.

The following acts form the basis for bringing an action for repairing the property and non-pecuniary damage incurred by acts:

- a* making public announcements of facts of private life, however truthful they may be;
- b* making private correspondence public in violation of the procedure prescribed above;
- c* invasion of a person's dwelling without his or her consent;
- d* keeping a person's private life under observation or gathering information about him or her in violation of the law;
- e* dissemination of information collected about a person's private life, unless in relation to the post currently occupied by the person or the person's position in society the dissemination and knowledge of the information is in the lawful and legitimate public interest; and
- f* other unlawful acts that infringe the right to privacy.

In addition, criminal liability may be imposed in the event of an unlawful violation of a person's private life.

### **iii Freedom of access to government information**

The Law on Access to Information and Data Reuse ensures the right of persons to obtain information from state and municipal institutions and agencies, defines the procedure for the implementation of the right and regulates actions of state and municipal institutions and agencies in relation to the provision of information to persons.

Generally, institutions (i.e., representative, executive and judiciary authorities, as well as the institution of the head of state, law enforcement institutions and agencies, institutions and agencies exercising audit and control (supervision), and other state and municipal institutions and agencies financed from the state or municipal budgets and state monetary funds) are obliged to provide applicants with information upon their request. Information is provided free of charge, except in cases where either a state levy or a fee defined by law is charged for the provision of information. Laws and other legal acts may define distinct conditions of the provision and use of information for commercial or non-commercial purposes; however, they must not be discriminatory in respect of applicants using information for the same purpose.

An institution may refuse to provide information if the request of the applicant would necessitate creating documents or information files that would entail disproportionately large amounts of work and time or if the information contains industrial property, copyright, related rights or database rights.

In the event of the refusal of an institution to provide information, the applicant shall be given a notice specifying the reason for the refusal and the procedure for appealing against the decision.

In the most prominent recent case regarding access to government information, the Lithuanian Journalists' Union and journalists from several media outlets sued the government after it refused to release the audio recording of a cabinet meeting in which ministers discussed legislative amendments to give the media free access to public registry data. The plaintiffs<sup>17</sup> asked the court to rule that the government's refusal to provide the audio recording was unfounded and to order it to recover the deleted recording and release it to journalists. In 2020, the Supreme Administrative Court of Lithuania ruled that the government had violated journalists' right to information by refusing to provide, and subsequently deleting, the audio recording. Following the row with the media, the government initiated amendments to make all cabinet meetings public.

#### **iv Protection of sources**

According to the LPIP, producers or disseminators of public information, their participants and journalists have the right to maintain the confidentiality of their source of information and not to disclose it, unless a court decision orders disclosure of the source of information for vitally important or otherwise significant public reasons, or to ensure that the constitutional rights and freedoms of a person are protected and that justice is served.

The Code of Ethics in Providing Information to the Public of Lithuania adds that protecting the confidentiality of a source shall be considered not simply a journalist's right, but rather an obligation. If the information source requests that a journalist not disclose his or her name, the journalist and public information organiser have no right to disclose it and the journalist and public information organiser assume legal and moral responsibility for the published information.

There is no recent case law regarding this matter.

#### **v Private action against publication**

A person has the right to demand refutation in judicial proceedings of publicised data that has defamed him or her or debased his or her honour and dignity, and that is erroneous, as well as redress of property and non-pecuniary damage resulting from the public announcement of the data. Case law to date has imposed a very low ceiling on compensation for non-pecuniary damage; the amounts awarded by courts rarely exceed €5,000.

The data that was made public is presumed to be erroneous unless the person who publicised it proves the opposite.

Where erroneous data is publicised by a mass medium (press, television, radio, etc.), the person about whom the data was publicised has the right to file a refutation and demand that the given mass medium publish the refutation free of charge or make it public in some other way.

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17 Represented by Sorainen.

Infringing the right to privacy forms the basis for bringing an action for repairing property and non-pecuniary damage incurred by unlawful acts. If a breach concerns the violation of the GDPR rules, penalties including administrative fines may be imposed. Criminal liability may also be applied in certain cases.

Breach of confidentiality gives rise to a civil claim. A successful claimant is entitled to an inquiry into damages and possibly injunctive relief, prohibiting further use or disclosure of the information. It is possible for a trade secret holder to apply to court for an injunction prohibiting the alleged or potential infringer from using or disclosing the trade secret or requiring them to cease on a provisional basis any activities of this kind.

#### **vi Government action against publication**

There are not many cases in this category, but Lithuania had one recently. One of the largest news websites in Lithuania appealed against a warning issued by the State Consumer Rights Protection Authority Commission for using without consent the name of the former prime minister in the advertising for a book, *Kabinetas 339*, and in alleged violation of the Law on Advertising. The book publisher<sup>18</sup> claimed that the decision contravened Lithuanian and European legal practice and freedom of expression. Ultimately, the court ruled that the Commission, in considering privacy to have been violated, had been unreasonable to such an extent as to restrict freedom of expression and, therefore, the court revoked the warning.

## **IV INTELLECTUAL PROPERTY**

### **i Copyright and related rights**

The protection of copyright and related rights is regulated by the Law of the Republic of Lithuania on Copyright and Related Rights, which is harmonised with international and European Union legal acts. Its most recent revision came into effect on 1 July 2019. The Law defines authors' economic and moral rights, establishes the objects and subjects of copyright and related rights, the terms of protection of copyright and related rights and the functions of collective administration association supervision by the Ministry of Culture. The liability for breach of copyright and related rights is also established by the Criminal Code of the Republic of Lithuania and the Administrative Offences Code of the Republic of Lithuania.

Under Lithuanian legislation, authors' moral rights cannot be waived, transferred to other persons or inherited.

The Law on Copyright and Related Rights provides an exhaustive list of limitations on authors' economic rights. The list includes:

- a* the reproduction of works for personal use;
- b* quotation;
- c* the reproduction of works for teaching or scientific research purposes;
- d* the use of works for information purposes (including reproduction by the press, communication to the public or making available published articles on current

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18 Represented by Sorainen.

- economic, political or religious topics or broadcast works of the same character, in cases where such use is not expressly reserved by the authors or other copyright owners, and as long as the source, including the author's name, is indicated); and
- e the use of works for the purpose of, inter alia, caricature or parody.

As for the duration of copyright, authors' economic rights run for the life of the author and for 70 years after his or her death, irrespective of the date when the work was lawfully made available to the public. The protection of an author's moral rights is of unlimited duration.

During the past year, no significant developments in copyright law have taken place.

## ii Personality rights

Lithuanian law provides for protection of personality rights of physical persons; namely, the right to a person's name, the right to image, the right to inviolability and integrity of the body, the right to private life, and the right to protection of honour and dignity. As regards Lithuanian law, personality rights belong in the sphere of civil law; however (in contrast to their status in other jurisdictions), they are not considered intellectual property rights.

## iii Unfair business practices

There is no recent noteworthy case law regarding this matter. However, these practices usually consist of unlawful reproductions of work, and failure to remunerate authors.

## V COMPETITION AND CONSUMER RIGHTS

It is assumed that an open internet and net neutrality that guarantee fair competition and stimulate innovation are essential principles. To ensure end-users' right to open internet access services, the Communications Regulatory Authority of the Republic of Lithuania performs regular monitoring, provides recommendations to internet service providers (ISPs), examines complaints, requests and carries out inquiries regarding the provision of electronic communications services and conducts out-of-court settlement of disputes. ISPs have an obligation established in the Law on Electronic Communications of the Republic of Lithuania to respond to consumers' complaints within 14 days of a complaint being received.

Within the scope of competition law, controlling mergers and acquisitions in the media and telecommunications sector is a prerogative of the Competition Council of the Republic of Lithuania.

## VI DIGITAL CONTENT

As a general rule, it is prohibited to use any content without its owner's permission. The owner has exclusive rights to authorise or to prohibit any mode of the exploitation of his or her work, including the broadcasting and retransmission of a work, as well as communication to the public of a work in any other way, including making a work available (hosting, aggregating, linking, etc.) to the public via computer networks (on the internet).

Owners of copyright, related rights and *sui generis* rights seeking to defend their rights are entitled to apply to the courts to demand:

- a recognition of rights;
- b an injunction with the aim of prohibiting the continuation of unlawful acts;
- c prevention of the carrying out of acts that may cause rights to be infringed or damaged;



- d* redress of infringed moral rights (injunction to make appropriate amendments, to announce the infringement in the press or in any other way);
- e* exaction of unpaid remuneration for unlawful use of a work, objects of related rights or *sui generis* rights;
- f* compensation for property damage, including lost income and other expenses and, in certain cases, non-pecuniary damage;
- g* payment of compensation; and
- h* the application of other measures for defence of the rights, provided for by the Law on Copyright and Related Rights and other laws.

As of 27 November 2019, the Regulation on the Procedure for Application of Binding Instructions to Internet Service Providers came into force, authorising the RTC to block access to existing and future (mirror) domains of websites that carry copyright-infringing content. Domain blocking injunctions have become an effective tool against digital piracy. To date, 87 websites have been blocked this way. Requests for the RTC to issue binding instructions to ISPs may be submitted by copyright holders, their agents or copyright societies. When adopting a decision, the RTC takes into account:

- a* whether a particular website is designed and used for unauthorised copying, sharing or distribution of copyrighted material;
- b* whether users are directly or indirectly encouraged to publish, download, reproduce or otherwise use copyrighted material on a website; and
- c* whether the website's administrator has failed to take action in response to a request for removal of unauthorised copyrighted material.

There is no law that directly deals with ISPs' or social media platforms' civil liability in Lithuania. Certain aspects of this are regulated by the Law on Electronic Communication; however, this Law relates exclusively to the technological side of the intermediation process and only vaguely addresses the relationships between ISPs and other parties; for instance, the owners of the content transmitted through the networks. Certain exceptions regarding ISPs' liability are set out in the Law on Information Society Services. The case law concerning this matter also lacks clarity; the liability of ISPs is applied based on different criteria, such as activity of an intermediary, the context of content and the effectiveness of measures taken.

As yet, there has been no case law as yet regarding linking and aggregating; therefore, the law of the Court of Justice of the European Union should apply.

## VII CONTRACTUAL DISPUTES

Contractual disputes in the media and entertainment sector are uncommon. Disputes typically involve copyright infringements (licensing and royalty disputes) and contractual disputes with artists and performers.

Disputes are usually settled through bilateral negotiation or judicial institutions (the Supreme Court of Lithuania, the Court of Appeal of Lithuania, regional courts and district courts are the courts of general jurisdiction dealing with civil and criminal cases). Although alternative dispute resolution methods, such as mediation and arbitration, continue to grow in popularity, they are still relatively rare.

## **VIII YEAR IN REVIEW**

There have not been any developments of particular note in the past year in terms of legal, regulatory or judicial practice or general developments in the media and entertainment sector in Lithuania.

## **IX OUTLOOK**

In the coming year, the main legal issue remains the implementation of the following European Union directives:

- a* Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC; and
- b* Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC.

# ABOUT THE AUTHORS

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Dr Stasys Drazdauskas is the head of Sorainen's technology, media and telecommunications team in Lithuania. His main areas of expertise include information technology law, intellectual property and data protection.

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Stasys is on the list of arbitrators recommended by the Vilnius Court of Commercial Arbitration.

Before joining Sorainen, Stasys gained valuable experience at another law firm, starting his legal career in 2000. In addition to his professional career, he is also active in the academic field and currently lectures on European private law at Vilnius University's Faculty of Law.

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ISBN 978-1-83862-802-4