

INSTITUTIONAL CAPACITY BUILDING

OFFICE OF COPYRIGHT AND RELATED RIGHTS

Summary Project Fiche

Project n°: LI9803.04.03

Title: Strengthening the Office of Copyright and Related Rights

Location: Office of Copyright and Related Rights (under the Ministry of Culture of the Republic of Lithuania), Vilnius

Objectives:

The Office of Copyright and Related Rights (OCRR) is being founded by the Government of the Republic of Lithuania under the Ministry of Culture (MoC). It will take over all the functions of control and co-ordination at the state level in the field of copyright and related rights. Therefore, the OCRR will have the following objectives:

- approximation of the legal basis and implementation of the *acquis communautaire* in the field of intellectual property;
- establishment of the measures, mechanisms and infrastructure ensuring execution of the relevant legal acts;
- representation of Lithuanian Government at the World Intellectual Property Organisation (WIPO) and other inter-governmental organisations, International Treaties and Conventions;
- establishment of the arbitrary body for argument settlement in the field of intellectual property;
- education and advisory activities.

This project is designed to assistance in the setting up of this office and the drafting of working procedures and enforcement mechanisms and relevant legislation.

Description

According to the National Programme for the Adoption of the *Acquis* (NPAA), certain legal acts ensuring protection of copyright and related rights, complying with the EC Directives and European Conventions ought to be prepared, implemented and supervised. The MoC should fulfil the functions of the supervising institution. For these purposes the Ministry initiates establishment of the OCRR under the MoC. Establishment and enforcement mechanism of the law in this field by the OCRR involves great financial and technical expenses. Financing foreseen from the Reserve Fund of the State Budget for the year 1998 is 400 000 Litas (approximately 92,000 ECU). This is the minimum amount needed at the first stage of the implementation of the OCRR projected to cover the Office's expenses and salaries of the employees. The financing support and technical assistance requested from the Phare programme is 1,7 Mlitas (approximately 390,000 ECU) needed for the acquisition of the office equipment, training, study visits of the specialists, consultations and analysis.

As mentioned above the OCRR operates in connection with the priorities in the Accession Partnership and the internal market *acquis*. The OCRR will work out the projects for the realisation its objectives in the following directions:

- drafting of the legislation in the copyright and related rights field;
- control and supervision of the organisations of collective administration of authors' and Related rights in conformity with its Statutes or to the provisions of the Law on Copyright and Related Rights;
- to give advise on the compilation and negotiation of royalty rates and procedures by collective administration organisations and associations of users;

- to exercise observation and monitoring functions in relation to activities that might give rise to the infringement of copyright and related rights legislation;
- to organise and ensure Arbitration Body operation for intervening, by mediation, in negotiations between collective administration organisations and users;
- to devise teaching programs and practical and theoretical training courses in the field of intellectual property;
- to maintain relations with similar specialised bodies and with international organisations operating in the field concerned.

Institutional Framework:

The OCRR is founded in relation with the MoC responsibilities regarding Europe Agreement and, therefore, the Government’s of the Republic of Lithuania Activity Programme for years 1997-2000 and NPAA. Current legal basis in the field of intellectual property rights and the issues related with the establishment of the OCRR regarding the responsibilities of the MoC could be summarised as follows:

- To establish these institution requirements of Article 67 (3) and Annex XIX of Europe Agreement and Council Resolution of May 1992 on increased protection for copyright and related rights are taken into account. European Agreement obliges the Republic of Lithuania to harmonise its legal order and to improve the protection of intellectual property rights in such a way that, by the end of transitional period (in 1999), protection level, similar to the level existing in the Community, could be reached.

The Republic of Lithuania has deposited its instrument of accession to the Bern Convention for the protection of literary and Artistic Works (Paris Act, 1997) with World intellectual property Organisation (WIPO). The Bern Convention has entered into force, with respect to the Republic of Lithuania on December 14, 1994, and on that date Lithuania has become a member of the Bern Union. The MoC is responsible for the implementation of the provisions of this Convention.

Another important issue which has to be settled on the international level when creating legislative basis of copyright and related rights in Lithuania, is the ratification of International Convention for the protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention, 1961). Legal documents for the ratification of this Convention. Legal documents for the ratification of this Convention have been prepared and submitted to the Government. Correspondingly, the new national legislation is being drafted in compliance with international multilateral conventions of this field. At the same time, mechanism of implementation of rights and their enforcement is being created which falls into the scope of the activities of the Office.

The OCRR is founded to reflect the priorities in NPAA. Which states one of the most important legal acts in the field of intellectual property is the draft Law on Copyright and Related Rights. A special Copyright Harmonisation Commission, which acquires a status of the Governmental Commission, is preparing this draft. Adoption of this new Law will give the possibility to ensure higher level of protection. According to the Decision of the Government of the Republic of Lithuania of 16 of January 1998 No. 43 ratification of the Rome Convention and Geneva Convention is foreseen for the second half of the year 1998. The activities of the OCRR are designed inside this legal framework. The Office is projected to be the key supervision institution in this field.

Budget:

	Investment ECU	Institution Building	Total Phare (=I+IB)
Strengthening of the Office of Copyright and related rights	420,000	250,000	670,000

Implementation arrangements

The CFCU will be the Implementation Unit, but responsibility for the preparation of ToRs and the technical implementation of the project will rest with the Ministry of Culture (OCRR). One single contract is envisaged.

Implementation schedule:

Start of tendering September, 1998	Start of project activity December, 1998	Completion June 2000
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Equal Opportunities:

Activities and regulations of the Office of Copyright and Related Rights comply with the relevant provisions of the World Intellectual Property Organisation: "Applications from the male candidates are equally welcome". Then Office operates in accordance with the principle "legal rights of employers disregarding their sex" of Article no. 2, on the principles on the Legal regulations of the Work Relations of *the Law o the Republic of Lithuania on the Work Agreement*.

Environment:

An environmental assessment is not required for this project as the investment outlined in the fiche is in human resources and capacity building and it is not a capital project. However, the promotion of intellectual property ensures the necessary conditions for the free movement of goods and services in the internal market.

Rates of return:

Not applicable, although clearly implications for the generation of additional state revenue.

Investment criteria:

In the strict sense of the term investment criteria are not applicable to this project as it is not a capital investment but rather focuses on building institutional capacity. However, it does provide an element of additionality as it builds on the government's commitment to this issue and must be sustainable to comply with the NPAA. The project is catalytic in that it has been designed to stimulate the sub-sector into being prepared for accession and it is ready for implementation as soon as the funds come available and the conditionalities are met. As this is investment in state institution and human resources, competition is encouraged through Phare tender procedures.

Conditionality and Sequencing:

The project conditionality is based upon the introduction of the draft law on Copyright and Related Rights, which has been submitted to the Government for approval, envisages that the Office of Copyright and Related Rights (OCRR) will be the only responsible body overseeing the Law's implementation and enforcement. If the law is not adopted as expected the responsibilities would remain with the Ministry of Culture.

The Government is expected to adopt the law in July 1998 and then it will pass to the Seimas for a final decision. The draft government decision on the establishment of the OCRR has been prepared and submitted and is due for approval at the end of May 1998, this decision does not need ratification by the Seimas. The proposed fulltime complement for the OCRR is 8 staff. If the whole budget is not granted then a reduced complement of 4 is planned.

Establishment of the Office of Copyright and Related Rights (OCRR):

Step 1, April 1998

Submitting the application on the establishment of the budgetary institution to the Ministry of Finance.

Step 2,

After the approval of the Ministry of Finance starting of the elaboration of the regulations of the Institution.

Step 3, beginning of July

Competition announcement for the position of the Head of the Office. Selection of candidates. Appointing of the selected candidate for the position. Other vacancies of the Office are announced/advertised.

Step 4, since autumn, 1998

Selection of the candidates for the extensive studies abroad. Start of the operation of the Office.

Annex 1			Programme name: and number: LI9803.04	Date of drafting: 15 th April 1998
LOGFRAME PLANNING MATRIX FOR Strengthening the Office of Copyright and Related Rights			Contracting period expires: Oct 2000	Disbursement period expires: Oct 2001
<i>Project Number LI9803.04.03</i>			Total Budget:(MECU) #	Phare contribution: (MECU) 0.670
Wider Objective	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	
<ul style="list-style-type: none"> Establishment of OCRR Supervision, control and coordination at the state level for copyright and related rights 	OCRR set up	Ministry of Culture, by end 1998	Phare funding confirmed State budget allocated	
Immediate Objectives	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	
<ul style="list-style-type: none"> Setting up the office for Copyright and Related Rights Representation of Lithuanian Government at the WIPO, ect. Establishment of the arbitration body for intellectual property; Approximation of the legal basis for IP; Education and advisory activities. 	Establishment of the measures, mechanisms and infrastructure ensuring execution of the relevant legal acts	Government of the Republic of Lithuania Ministry of Culture Ministry of Justice Ministry of Internal Affairs Customs Department, by the end of 1998/at the beginning of 1999	Conformity of the created mechanism for implementation and enforcement and successful functioning	
Outputs	Indicators of Achievement	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	
Office established Legislation drafted	Office staffed and starting to operate Legislation adopted by Government and approved by SEIMAS	Government of the Republic of Lithuania Ministry of Culture, by the end of 1998	Passing the Law through SEIMAS	
Inputs	Indicators of Achievement	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	
Staff for office Working methods and measures set up State budget	8 appointed Staff trained State funding made available	Ministry of Culture Ministry of Finances Public Administration Training Center September/October, 1998	Selection of specialists with high level qualifications	

Notes:

The contribution from the State budget has yet to be finalised, OCRR is the office of Copyright and Related Rights, IP is Intellectual property, WIPO is the World intellectual Property Organisation, SEIMAS is the Lithuanian parliament

Annex 2

Cost Breakdown

Office of Copyright and Related Rights (OCRR) LI 9803.04.03

	Investment ECU	Institution Building	Total Phare (=I+IB)
Purchase of equipment/office environment formation	80,000.		80,000
Extensive studies/study visits abroad of the layers/specialists	150,000.		150,000
Collection of relevant information/formation of the electronic data basis	70,000.		70,000
Acquisition and publication of all relevant document material needed for the activities of the Office.	25,000.		25,000
Preparation of educational programmes	20,000		20,000
Provision of the consultations by the experts (at the later stage of operation)	75,000		75,000
Analysis and evaluation of the current situation		40,000.	40,000
TA drafting regulations and working methods/principles for the Arbitration Body		150,000.	150,000
Preparation/implementation of the OCRR's strategy		60,000.	60,000
TOTAL	420,000	250,000	670,000

Annex 4										
Programme No. LI9803.04.03					Document: Phare 98 Programme Fiches					
Section:					Version:			Page:		
Contract (Commitment) Schedule of the Programme.										
Date of Drafting: June 15, 1998					Planning Period: 1998 to 2000					
Programme Title: Insitutional Capacity Building - Intellectual Property										
Projects	Expected Contract Commitments (Semester)								Budget Allocation	
	Planned								<i>Cost Estimate</i>	
<i>Sub-Project</i>	1998				1999				2000	
	4	1	2	3	4	1	2	3		
(1)	(2)								(3)	
Insitutional building	0.67	0.67	0.67	0.67	0.67	0.67	0.67	0.67	0.67	
TOTAL									0.67 MECU	

Programme No. LI9803.04.03					Document: Phare 98 Programme Fiches					
Section:					Version:			Page:		
Disbursement Schedule										
Date of Drafting: June 5 1998					Planning Period: 1998 to 2001					
Programme Title: Insitutional Capacity Building - Intellectual Property										
Projects	Disbursement Schedule (Semester)								Budget Allocati on	
	Planned								<i>Cost Estimate</i>	
<i>Sub-Project</i>	1999				2000				2001	
	1	2	3	4	1	2	3	4	1 2 3 4	
(1)	(2)								(3)	
Insitutional building	0,055	0,155	0,255	0,405	0,555	0,630	0,670		0.670	
TOTAL									0.670 MECU	