Explanatory note regarding the documents to be attached to a submission for the cessation of the unlawful communication to the public of objects of copyright or related rights

1. The submission shall be accompanied by documents attesting to the right of the submitter to the specific object of copyright or related rights. A recipient of a non-exclusive licence shall also attach to the submission the written consent of the holder of copyright or related rights in respect of the request to cease the illegal communication of the objects of copyright or related rights to the public.[1]

➢ The original of the contract, or a derivative thereof, certifying the rights to the copyright or related rights object must be submitted.

- If the contract was concluded outside the territory of the Republic of Latvia, the derivative of the contract must be certified by a notary.
- If the contract was concluded in the territory of Latvia, the derivative may be certified by the owner or rights holder of the respective copyright or related rights object. In accordance with Cabinet of Ministers Regulation No. 558 of September 4th 2018, "*Procedures for Drawing up and Preparing Documents*"[2], when submitting to the Council, for example, electronic copies of contracts, these must be certified by a separate document containing the words "*Kopija pareiza*" (*english*: "Copy is correct"). This certification, together with the document being certified, must be placed in the e-signing application and electronically signed by the submitter. When documents are submitted in paper form, the copies must be formatted and certified accordingly.

2. State and local government institutions, courts and institutions belonging to the judicial system, as well as state or local government enterprises (companies), accept and examine documents from persons only in the official language of the Republic of Latvia, except in the cases provided for in Section 10, Paragraphs three and four of the Language Law of Latvia and in other laws. Documents in a foreign language are accepted from persons if they are accompanied by a translation into the official language of the Republic of Latvia, certified in accordance with the procedures laid down by the Cabinet of Ministers or notarially certified. Documents issued in the territory of Latvia before the entry into force of this Law do not require a translation into the official language.[3]

State and local government institutions, courts and institutions belonging to the judicial system, as well as state and local government enterprises (companies) (hereinafter — the institution) examine a document in a foreign language if a natural or

[1] Section 71.[3], Paragraph three of the Copyright Law: Law of the Republic of Latvia. Adopted: 06.04.2000. (Available at: *https://likumi.lv/ta/en/en/id/5138-copyright-law*)

[2] Procedures for Drawing up and Preparing Documents: Cabinet of Ministers Regulation No. 558 of 4 September 2018. (Available at: *https://likumi.lv/ta/en/en/id/301436-procedures-for-drawing-up-and-preparing-documents*)

[3] Section 10, Paragraph three of the Official Language Law: Law of the Republic of Latvia. Adopted: 09.12.1999. (Available at: *https://likumi.lv/ta/en/en/id/14740-official-language-law*)

legal person has submitted the document to the institution in accordance with its competence, also attaching a translation of the document into the official language.[4]

- Within the meaning of Cabinet of Ministers Regulation No. 291 of 22 August 2000, "Procedures for the Certification of Document Translations in the Official Language", a translator is a person who has command of the respective language and assumes responsibility for the conformity of the translation with the original. Consequently, when submitting documents, a translation by a certified translator is not mandatory; the translation may be made by a person who has command of the language concerned.

Examples:

1. Company X has concluded a contract **in Latvia** for the rights to an audiovisual work (a film). The contract is drawn up in English. Company X must submit the original contract or a derivative of the document to the Council*. If a derivative of the document is submitted, it must be accompanied by a certification confirming its conformity with the original (in an e-document, the certification is attached below the respective document derivative). A translation of the contract into Latvian must also be submitted, indicating the translator's name, surname and signature. The person is entitled to attach to the submission a translation of only those parts of the contract that are material to the examination of the specific case.

2. Company Y has concluded a contract **outside Latvia** for the rights to an audiovisual work (a film). The contract is drawn up in English. Company Y must submit the original of the contract or a derivative of the document to the Council*. If a derivative of the document is submitted, it must be accompanied by a notarial certification of its conformity with the original. A translation of the contract into Latvian must also be submitted, indicating the translator's name, surname and signature. The person is entitled to attach to the submission a translation of only those parts of the contract that are material to the examination of the specific case.

*In accordance with Paragraph 39 of Cabinet of Ministers Regulation No. 558 of 4 September 2018, "*Procedures for Drawing up and Preparing Documents*", a document derivative is a document that fully or partially reproduces the original document. A document derivative is prepared in the form of a transcript, an extract or a copy. A document derivative may also be prepared from a transcript, extract or copy of the

[4] Procedures for the Certification of Document Translations in the Official Language: Cabinet of Ministers Regulation No. 291 of 22 August 2000, Paragraph 4. (Available at: *https://likumi.lv/ta/en/en/id/10127-procedures-for-the-certification-of-document-translations-in-the-official-language*)

original document, provided they have been prepared and certified in accordance with the procedures laid down in regulatory enactments.