

BELARUS

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)

2025 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

Special 301 Recommendation: IIPA recommends that Belarus remain on the Watch List in 2025.¹

Executive Summary: After years of working to improve its laws on intellectual property (IP) protection and enforcement, Belarus took a significant step back in 2022 with the passage of Law No. 241-3, which legalized piracy against foreign states “committing unfriendly actions.” This law is a flagrant violation of Belarus’s international treaty obligations and a direct affront to the American copyright industries. Making matters worse, the Government of Belarus is blatantly and financially benefiting from this government-sponsored copyright infringement. IIPA urges Belarus to rescind this law and to comply with its international obligations, including with respect to copyright and related rights.

PRIORITY ACTIONS REQUESTED IN 2024

Legal Reforms

- Repeal Law No. 241-3, which legalizes unlicensed use of copyrighted works.
- Repeal Law No. 243-3, which imposed a requirement that certain rights of performers and phonogram producers, including exclusive rights, be collectively managed by a state-owned collective management organization (CMO).

LEGAL REFORMS

- **Repeal Law No. 241-3, which legalizes unlicensed use of copyrighted works.**

With the passage in 2022 of Law No. 241-3, Belarus legalized the unlicensed use of copyrighted works of all kinds, including computer programs, broadcasts of a broadcasting organization, audiovisual works, and musical works. The Government of Belarus stated that the law is temporary, and was set to expire on December 31, 2024, however it was extended through 2026. The law allowed the importation of goods with copyrighted content into the territory of the Republic of Belarus, so-called “parallel imports,” and allows the circulation of those goods without the consent of rights holders from foreign states “committing unfriendly actions,” if such goods are included in the lists of goods that are essential for the domestic market as approved by state bodies authorized by the Council of Ministers. When such goods are designated as essential for the domestic market, they are removed from the customs register, which means the Government of Belarus ceases border enforcement against those infringing goods.

The law further directed Belarus’s National Center of Intellectual Property (NCIP) to collect royalties on this unlicensed use of copyrighted works on behalf of the individuals and entities from “unfriendly” states – with a right for NCIP to apply a 20% admin fee – and to retain this remuneration for three years on behalf of the rights holder or collective management organization (CMO). If the rights holder or CMO does not request the royalties during this period, the monies will be transferred to Belarus’s general budget within three months. The Government of Belarus is blatantly and financially benefiting from government-sponsored copyright infringement.

Belarus is a member of several international IP treaties, such as the Berne Convention and the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty (collectively, the WIPO Internet Treaties), each of

¹ For more details on Belarus’s Special 301 history, see previous years’ reports at <https://www.iipa.org/reports/reports-by-country/>. For the history of Belarus’s Special 301 placement, see <https://www.iipa.org/files/uploads/2025/01/Appendix-C-2025.pdf>.

which provide for the protection of the works at issue in Law No. 241-3, as well as the enforcement of the rights protected under these treaties. Moreover, the law violates the obligation to grant national treatment to works protected under the Berne Convention. IIPA urges Belarus to repeal this law and to comply with its international obligations, including with respect to copyright and related rights.

- **Repeal Law No. 243-3, which imposed a requirement that certain rights of performers and phonogram producers, including exclusive rights, be collectively managed by a state-owned collective management organization (CMO).**

Law No. 243-3, adopted in January 2023, introduced further problematic amendments to the Belarusian Copyright Law, making certain performers' and phonogram producers' rights subject to compulsory collective management by a state-owned CMO. Additionally, the new CMO accreditation rules introduced by the same law require that only one CMO, which must be state-owned, is allowed to operate as such. This framework severely undermines the ability of right holders to exercise their rights and ultimately to monetize the use of their content.