

In Lithuania the protection of computer programs is regulated in both a special law that was enacted on September 21, 1992 and the Copyright Law. The latter was enacted on May 17, 1994 and lists computer programs and databases among the works that qualify for protection. In 1999, Lithuania adopted a comprehensive Copyright Act to replace what was essentially the revised Soviet Civil Code. This fixed the long-standing legal deficiency of the absence of a point of attachment for foreign sound recordings.

§ 7.05 Belgium¹

Introduction

It took a long time for Belgium before there were clear decisions with respect to the copyrightability of software. Authors who wrote already about this subject matter from the second half of the seventies,² decided that in principle computer software can be copyrightable subject matter. Some authors stressed, however, that a consistent application of copyright would not always be easy, and noticed that copyright was probably not the most appropriate way to legally protect computer programs.³ In a first series of decisions the courts affirmed the principle that computer programs are copyrightable subject matter.⁴ Most of those cases remain relevant until today. Many principles were confirmed in later decisions referred to hereafter.

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² De Brabanter, Vanderperre, *Aspects Particuliers de la Protection Juridique des Programmes d'Ordinateur*, Ingenieur-Conseil 157 (1976); Gotzen, *Copyright and the Computer*, 13 Copyright 15-21 (1977); A. Berenboom, *Le droit d'Auteur* 164 (1984); Keustermans, *Protection of U.S. Computer Software in Belgium and The Netherlands*, Computer Law., October 1985, at 19; Flamée, *Auteursrechtelijke Bescherming van Software naar Belgisch Recht*, Computerrecht 240 (1986); Hubo, *La titularité des droits d'auteur sur des logiciels écrits par un salarié, Situation en France, en Belgique et aux Pays-Bas*, Droit de l'informatique 151 (1986); Poulet, *La protection des programmes par le droit d'auteur en droit belge et néerlandais*, Droits des Affaires 181 (1986-1987); Gotzen, F., *Intellectuele eigendom en nieuwe technologieën*, R.W. 2382 (1983-1984); Lejeune B., *Protections juridiques du logiciel en droit belge*, J.T. 605 (1986); Flamée, M., *Computersoftware en chips*, in *Honderd jaar auteurswet* (Corbet, J., (ed)) 139 (1986); Van Hoecke, K., *Software piraten*, R.W. 1649 (1983-1984); see also Keustermans, J., Van Steenbergen, J., *Bescherming van software*, in *Informatica en Recht* 33 (2002, Kluwer, bedrijfsbibliotheek).

³ Vandenberghe, G., *Bescherming van computersoftware* 93-105 (1984); see also Quaedvlieg, A.A., *Auteursrecht op techniek*, Zwolle, Tjeenk Willin, (1987); Buch, P., "La protection juridique des programmes d'ordinateurs", Ing. Cons. 176 (1976); Gotzen, F., at the debate session of the symposium of April 30, 1987, as published in *De sociaal-economische rol van intellectuele rechten* (M. Van Hoecke (Ed.)), 100 (1991); Flamée, M., Brison, F., *Auteursrecht toegepast op computerprogrammatuur: een grondslagenprobleem*, T.B.B.R. 464, (1992).

⁴ President Court of First Instance Brussels, January 8, 1985, Computerrecht 18 (1987); Court of Appeal Brussels, June 20, 1986, Computerrecht 190 (1987); President Commercial Court Brussels, October 4, 1985, Computerrecht 191 (1987); Court of First Instance Brussels, September 30, 1988, Computerrecht 197 (1989); Court of First Instance Hasselt, April 30, 1990, Computerrecht 162 (1991). It is sometimes decided that the originality of a program is unsatisfactory: Commercial Court Charleroi, January 19, 1993, Ing. Cons. 375 (1993).