



Law of the Kyrgyz Republic

Copyright and related rights

(As amended by the Law of the KR dated
November 6, 1999 N 120, June 20, 2001 N 54,
February 27, 2003 N 46, May 11, 2004 N 57,
August 5, 2008 N 197, June 27, 2011 N 58)

Section I. General Provisions

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Section I

General Provisions

Article 1. Regulation Subject

This Law regulates relations arising in connection with the creation and use of scientific, literary and artistic works (copyright), phonograms, performances, broadcasts by broadcasting or cable (related rights).

Article 2. Kyrgyz law on copyright and related rights

1. Kyrgyz law on copyright and related rights based on the Constitution of the Kyrgyz Republic and consists of the Civil Code of the Kyrgyz Republic, this Law, the Law of the Kyrgyz Republic "On Legal Protection of Software and Databases" and other normative legal acts of the Kyrgyz Republic.
2. If an international agreement, which involved the Kyrgyz Republic, norms other than those contained in this Act, the rules of the international treaty.

(As amended by the Law of June 27, 2011 N 58)

Article 3. State regulation in the field of copyright and related rights

1. State regulation in the field of copyright and related rights by the authorized state body of the Kyrgyz Republic in the field of Intellectual Property (hereinafter - Kyrgyzpatent).
2. Kyrgyzpatent - authority responsible for public administration in the field of copyright and related relationships, promotes the creation of the legal conditions for the development of creativity in the field of science, literature and art, the realization of the powers of the authors and holders of related rights, including the right to appeal to the court, the conclusion of agreements on the use of copyright, as well as collect and pay royalties.

Main tasks, functions and powers of Kyrgyzpatent are determined by this Law and other normative acts of the Kyrgyz Republic. Regulations on Kyrgyzpatent approved by the Government of the Kyrgyz Republic.

See:

Resolution of the Government of the KR dated March 15, 2001 N 100 "On State Agency of Science and Intellectual Property under the Government of the Kyrgyz Republic"

3. To develop the culture of the Kyrgyz Republic and the promotion of creative activity of authors State Intellectual Property Fund was created. Regulations of the State Intellectual Property Fund approved by Kyrgyzpatent.

(As amended by the Law of 27 February 2003 N 46)

Article 4. Concepts

For the purposes of this Act the following terms have the meanings:

author - a natural person who has created a creative work;

audiovisual work - work consisting of a fixed series of interconnected images (with or without sound), designed for visual and auditory (when accompanied by sound) perception by appropriate technical devices; audiovisual works include cinematographic works and all works expressed by means analogous to cinematography (television and video, slide shows, and the like), regardless of the method of their initial or subsequent fixation;

database - an objective presentation and organization of data (relating to articles, accounts and so on), systematized so that these data can be found and processed by an electronic computer (PC);

reproduction of a work - the making of one or more copies of a work or part thereof in any material form, including in the form of sound and video recordings, production in three dimensions of one or more copies of a two-dimensional works in two

dimensions - one or more copies of a three dimensional work; a work in a computer memory as a reproduction;

reproduction of a phonogram - the making of one or more copies of a phonogram or part thereof on any physical medium;

record - fixation of sounds and (or) images with the help of technical means in any material form, allowing them to be repeatedly perceived, reproduced or communicated;

producer of an audiovisual work - natural or legal person that has taken the initiative and responsibility for the production of an audiovisual work, while the person must either physically make it or order it and pay for production; unless proved otherwise by the manufacturer of an audiovisual work shall be a physical or legal person whose name is indicated on this work in the usual manner;

rights management information - any information provided by right holders which identifies the work or object of related rights protected by this Act, the author, the holder of related rights or any other rights holder, or information about the conditions of use of the work or object of related rights, which is contained in an instance of work or object of related rights attached thereto or appears in connection with the communication to the public such work or object of related rights, as well as any numbers and codes, which contain such information;

performance - presentation of works, phonograms, performances, through play, recitation, singing, dancing, live performance or by technical means (broadcasting, cable television and other technical means); showing pictures of an audiovisual work in their sequence (with or without sound);

singer - actor, musician, dancer or other person who performs, sings, plays an instrument, or otherwise perform literary or artistic works (including a variety, circus or puppet show), as well as director of the performance and conductor;

counterfeit copies - copies of a work or phonogram, manufacture or distribution of which involves a breach of copyright and related rights, as well as copies of protected in the Kyrgyz Republic in accordance with this law works and phonograms, imported without the consent of the holders of copyright and related rights in the Kyrgyz Republic State in which these works and phonograms never ceased to be protected or guarded;

owner of copyright and (or) related rights -

author or performer in cases where property rights vested author or performer;

natural or legal person, which had been ceded proprietary rights;

individual other than the author or artist, or a legal entity where property rights is initially endowed with a person or entity;

disclosure of a work - implemented with the author's consent, which first makes the work available to the public by publication, public display, public performance, broadcasting or otherwise;

publication (public release) - issuance of copies of a work, phonogram with the author's consent, the phonogram producer to meet the needs of the public. Under the publication also refers to providing access to works, phonograms through electronic information systems;

broadcast - message works, phonograms, performances, broadcasts by broadcasting or cable distribution to the public

(including the display or performance) by transmitting them by radio or television (with the exception of cable TV). When transferring works, phonograms, performances, broadcasts by broadcasting or cable broadcasts via satellite, the broadcast signal reception is understood from the ground station to the satellite and transmission by satellite, through which works, phonograms, performances, transmission organizations broadcasting or cable can be communicated to the public, regardless of their actual reception by the public;

transmission organization broadcasting or cable - transfer, created by the organization of air or cable broadcasting, as well as its order at its expense by another organization;

show works - showing the original or copy of the work or directly on the screen with the film, slides, television pictures or other technical means, as well as showing the individual images of an audiovisual work without concern for their order;

users of copyright and (or) related rights - any natural or legal persons using objects of copyright and related rights;

subsequent broadcast - the subsequent broadcast previously broadcast works, phonograms, performances, broadcasts by broadcasting or cable;

computer program - a set of guidelines or rules, expressed in words, numbers, codes, symbols, signs or in any other form, intended for the operation of computers and other computer devices to achieve a certain goal or result;

product arts and crafts - a two-dimensional or three-dimensional work of art applied to objects for practical use, craft works, or works produced in an industrial process;

phonogram producer - a natural or legal person who has taken the initiative and the responsibility for the first sounds of a performance or other sounds, while the person must either physically make it or order it and pay for production; unless proved otherwise, the phonogram producer shall be a physical or legal person whose name is indicated on this soundtrack and (or) the containing box in the usual way;

derivative work - a product of intellectual creativity, based on another work (translation, adaptation, dramatization, modifications, etc.);

public display, public performance or communication to the public - any presentation, performance or communication of works, phonograms, performances, broadcasts by broadcasting or cable, either directly or through technical means in a place open to public access, or in a place where there is a considerable number of persons not belonging to the usual family, regardless of whether the works, phonograms, performances, broadcasts by broadcasting or cable in place of the communication or else together with the notification of works, phonograms, performances, , broadcasts by broadcasting or cable;

director of the performance - a person who carries out the direction of theater, circus, puppet, variety or other play (presentation);

reproduction (Reproduction) - facsimile reproduction in any size and shape of one or more copies of the originals or copies of written or other graphic works by photocopying or by other means other than the publication; Reproduction does not include the storage or reproduction of such copies in electronic (including digital), optical or machine-readable form;

relay - the simultaneous broadcasting (cable) one broadcasting organization transmissions made by other broadcasting organization;

technical means of protection of copyright and related rights - any effective technical devices or components that control access to works or objects of related rights to prevent or limit the implementation of actions that are not allowed by the author, the holder of related rights or other owner of the exclusive rights in respect of the work or object neighboring rights protected in accordance with this Law;

rent, lease (for hire) - provide a copy of a work or phonogram temporarily in order to direct or indirect commercial advantage;

report - show, perform, broadcast or perform another action (except for the distribution of copies of a work or sound recording) by which works, phonograms, performances, broadcasts by broadcasting or cable are available for the hearing and (or) visual perception, regardless of their actual perception by the public;

communicate to the public by cable - communicate works, phonograms, performances, transmission by broadcasting or cable distribution to the public by cable, wire, optical fiber, or by similar means;

soundtrack - any exclusive sound recording performances or other sounds that can be perceived, reproduced on any physical medium;

copy of the work - a copy of a work made in any material form;

copy of the phonogram - a copy of the phonogram in any tangible medium, made directly or indirectly from a phonogram and incorporating all or part of the sounds recorded thereon.

(As amended by the Law of the KR dated November 6, 1999 N 120, June 20, 2001 N 54, June 27, 2011 N 58)

Section II

Copyright

Article 5. Scope of Copyright

1. According to this Law, copyright applies:

works published in the territory of the Kyrgyz Republic or undisclosed, but are in some form on the territory of the Kyrgyz Republic, and is recognized by the authors (and their successors), regardless of their nationality;

works published outside the territory of the Kyrgyz Republic or undisclosed, but existing in some form outside the territory of the Kyrgyz Republic, and is recognized by the authors, who are citizens of the Kyrgyz Republic (and their successors);

works published outside the territory of the Kyrgyz Republic or undisclosed, but existing in some form outside the territory of the Kyrgyz Republic, and recognized in the Kyrgyz Republic for the authors (and their successors) - citizens of other States in accordance with the established law came into order by virtue of international treaties ratified by the Kyrgyz Republic.

2. The product is also considered first published in the Kyrgyz Republic, if within 30 days after the date of first publication outside the Kyrgyz Republic it was published in the Kyrgyz Republic.

3. When granting the Kyrgyz Republic protection product in accordance with international treaties of the Kyrgyz Republic by the product is determined by the law of the State in whose territory the legal act occurred, which served as the basis for the possession of the copyright law.

(As amended by the Law of June 27, 2011 N 58)

Article 6. Works Protected by Copyright (subject matter of copyright)

1. Copyright applies to works of science, literature and art, the result of creative activity, regardless of the purpose and advantages, as well as ways to express them.

2. Work must be expressed orally, in writing or other tangible form, allowing the possibility of its perception.

Work, in writing or otherwise expressed in a tangible medium (manuscript, typewritten, musical recording, through technical means, including audio or video recording, image capturing in a two-dimensional or three-dimensional form, etc.) considered to have an objective form, regardless of its availability to third parties.

Oral or other work not expressed in a tangible medium, is considered to have an objective form, if it is available for the perception of others (public recitation, public performance, etc.).

3. Copyright applies to both the published and unpublished work on.

4. Copyright does not apply to ideas, procedures, methods, concepts, principles, systems, proposed solutions, discoveries and facts.

5. Copyright in a work of science, literature and art arises by virtue of its creation. Origin and exercise of copyright does not require registration of a work or compliance with any other formalities.

6. Copyright in a work is not associated with the ownership of the material object in which the work is expressed.

Transfer of ownership or ownership in any material object itself does not involve transfer of any copyright in the work embodied in this object.

(As amended by the Law of June 27, 2011 N 58)

Article 7. Types of copyright. Part of the product derived and composite works

1. Objects of copyright include:

literary works (literary, artistic, scientific, educational, journalistic, etc.);
and dramatic scenario;
musical works, with or without text;
musical-dramatic works;
choreographic works and pantomimes;
audiovisual works (cinema, television and video, slide films and other films, television and video);
paintings, sculptures, graphics, design and other works of fine art;
works of decorative art and stage design;
works of architecture, urban planning and landscape art;
photographic works and works produced by processes analogous to photography;
geographical, geological and other maps, plans, sketches and other works relating to geography, topography and other sciences;
programs for personal computers (PC) of all kinds, including applications and operating systems;
other works that meet the requirements of Article 6 of this Law.

2. Objects of copyright are satisfying the requirements of Article 6 of this Act, of the works, their names and derivative works. Derivative works include works representing the processing of other works (translations, adaptations, summaries, abstracts, summaries, reviews, dramatizations, arrangements and other similar works of science, literature and art).

To compound works including into collections (encyclopedias, anthologies) and other composite works representing the selection or arrangement of their contents, creative labor.

2-1. Computer programs are protected as literary works. Such protection applies to all kinds of programs, including all applications and operating systems that can be expressed in any language and in any form, including source code and object code.

3. Derivatives and composite works protected by copyright, regardless of whether the works on which they are based or which they include are subject to copyright.

(As amended by the Law of the KR dated May 11, 2004 N 57, June 27, 2011 N 58))

Article 8. Works and similar results of the activities are not subject of copyright

The following shall not be objects of copyright:

- official documents (laws, regulations, decisions, etc.), as well as their official translations;
- official symbols and signs (flags, armorial bearings, decorations, monetary signs, etc.);
- works of folk art;
- daily news or information on current events that constitute regular press information;
- results obtained by technical means intended for the production of a certain type without creative activity of the person, directly aimed at the creation of an individual work.

(As amended by the Law of the KR dated November 6, 1999 N 120)

Article 9. Copyright works. Presumption of Authorship

1. Author of a work is a citizen whose creative work has been created.

A person designated as the author in the first publication of a work, is considered by its author, unless proven otherwise.

2. When published anonymously or under a pseudonym (except for the author's pseudonym leaves no doubt as to his identity), the publisher whose name is indicated on the work, unless proved otherwise, and to represent the author has the right to protect the author's rights and to ensure their implementation. This applies as long as the author of the work discloses his identity and his claim to authorship.

3. To announce their exclusive rights of the holder of the right to use a copyright notice that is placed on each copy of the work

and should consist of three elements:

Latin letter "C" in a circle - c;

name (s) of the holder exclusive rights;

year of the first publication of the work.

4. Copyright evidence for moral rights of unpublished work, as well as the rights holder to confirm the possession of exclusive proprietary rights to the product at any time during the term of copyright protection of their right to register in the official registers, the program generates the certificate of a sample. Registration is done Kyrgyzpatent in accordance with the legislation of the Kyrgyz Republic.

At the request of the person information relating to the registration of the work and entered in the register may be published in the official publications of Kyrgyzpatent. The scope and content of the published information set Kyrgyzpatent agreed with the author or copyright owner. For registration and publication fees are charged to the cost spent for registration and publication tools.

5. In cases where a person who considers himself the author of the manuscript unpublished work, in order to avoid misuse or misappropriation deems necessary to pass it to storage, then Kyrgyzpatent must accept the manuscript, as the person who passes the manuscript note issued on the date of its receipt . In this Kyrgyzpatent is responsible for maintaining the highest of the manuscript.

Order delivery, acceptance and storage of manuscripts determined by the Government of the Kyrgyz Republic.

(As amended by the Law of the KR dated November 6, 1999 N 120, June 20, 2001 N 54, June 27, 2011 N 58)

Article 10. Co-authorship

1. Copyright in a work, the joint creative work of two or more citizens, co-authors jointly owned regardless of whether this constitutes an indivisible whole or consists of parts, each of which also has independent value.

Part of a work deemed to be of its own if it can be used independently of the other parts of this work.

Each of the co-authors may use part created by him, has independent significance, in its sole discretion, unless otherwise provided by agreement between them.

2. Relations between co-workers are usually determined on the basis of the agreement. In the absence of such agreement, copyright in the work carried out by all authors together and remuneration shall be distributed equally among them.

If the work of co-authors constitutes an indivisible whole, none of the authors may not, without sufficient reason to prohibit use of the work.

3. Each of the co-authors may on its own behalf and without the consent of the other sponsors to take measures relating to the protection of his rights, unless otherwise provided by agreement between them.

(As amended by the Law of June 27, 2011 N 58)

Article 11. Copyright of collections and other composite works

1. The author of a collection or other composite work (compiler) owns the copyright to his enjoyment of the selection or arrangement of materials representing the result of creative work (compilation).

The compiler shall enjoy copyright subject to the rights of the author of each of the works included in the composite work.

Copyright compiler shall not prejudice the rights of the authors of the works included in the composite work.

The authors of the works included in the composite work, the right to use their works independently of the composite work, unless otherwise provided by the copyright agreement.

Copyright compiler, any person may make an independent selection or arrangement of the same materials to build their composite works.

2. Publisher of encyclopedias, encyclopedic dictionaries, collections of scientific works, newspapers, magazines and other periodicals have exclusive rights to the use of such publications. Publisher shall have the right at any use of such publications mention his name or to demand such mention.

The authors of the works included in such publications shall retain the exclusive rights to exploit their works independently of the publication as a whole, unless otherwise provided by contract.

Article 12. Copyright of translators and authors of other derivative works

1. Translators and other authors of derivative works of translations, adaptations, arrangements or other have copyright.

Translators and other authors of derivative works are in copyright in their works, subject to the rights of the author of the work, has translated, adapted, arranged or otherwise transformed.

2. Copyright translators and authors of other derivative works does not prevent other persons to carry out their orders and processing of the same works.

Article 13. Copyright in the audiovisual work

1. Authors of an audiovisual work:

writer (writer);

author of the musical work (with or without text), specially created for this audiovisual work (composer);

director;

director of photography;

art director.

2. Conclusion of an agreement on the creation of an audiovisual work entails the transfer of the authors of an audiovisual work product manufacturer exclusive rights of reproduction, distribution, public performance, communication cable to the public, broadcast or any other communication to the public of an audiovisual work, as well as subtitling and dubbing, unless otherwise stipulated in the contract. These rights are valid for the duration of copyright in the audiovisual work.

Producer of the audiovisual work may, for any use of this work indicate his name or to demand such mention.

3. Copyright musical work (with or without text), specially created for the audiovisual work, retains the right to receive royalties for the public performance of each audiovisual work, its communication to the public, as well as the rental of copies of audiovisual works.

4. Authors of the works part of the audiovisual work, as a preexisting (author of the novel, which the scenario, and others), and created in the process of working on it (the director of photography, production designer, and others) enjoy copyright right of everyone to his work.

5. Without the consent of the author and other holders of property rights to the movie prohibited destruction of the final film (negatives, the original recording).

Article 14. Copyright for official work

1. Moral rights in a work created in the course of employment the employer (duty), belong to the author of the work.

2. Exclusive right to exploit the service work method by the purpose of the task and deriving from it within belong to the person with whom the author has an employment relationship (employer) and the task which created the product, if the contract between him and the author does not provide otherwise .

Amount of royalties for every type of use of office work and the procedure for payment established by the contract between the author and the employer.

3. Employer may at any use of the service to mention his name or to demand such indication.

4. Upon the expiration of ten years from the date of the work, and with the consent of the employer - and previously the author's right to use the work and receiving royalties belong to him in full, regardless of the contract concluded with the employer.

5. On the establishment of performance of official duties or official assignment employer encyclopedias, encyclopedic dictionaries, periodicals and collections of scientific papers, newspapers, magazines and other periodicals (Part 2 of Article 11 of this Law), the provisions of this Article shall not apply.

Article 15. Moral rights

1. The author in relation to his work the following moral rights:

right of authorship - the right recognized as the author of the work;

right to a name - the right to use or permit the use of his true name of the author, pseudonym or without a name, that is anonymous;

right of disclosure - the right to disclose or permit the disclosure thereof in any form, including the right to review;

the right to inviolability of the work - the right to protection work, including its name, against any distortion or other derogatory act liable to prejudice his honor or dignity.

2. Author has the right to abandon the earlier decision to disclose the work (right of withdrawal), provided the user is indemnified losses caused by such decision. If the work has already been disclosed, the author is obliged to inform the public of its revocation. However, he may withdraw at their own expense from circulation copies of the work previously manufactured. When you create a service works provisions of this Part shall not apply.

3. Moral rights of the author, regardless of his property rights and retain them in case of an assignment of exclusive rights to use the work.

Article 16. Property rights

1. The author in relation to his work the exclusive right to use the work in any form or by any means.

2. Author's exclusive right to use the work to mean the right to carry out, authorize or prohibit the following acts:

reproduce the work (right of reproduction);

distribute copies of the work by any means rental and so on (right of distribution);

import copies of the work for distribution, including copies made with the permission of the owner of exclusive rights (import);

publicly display the work (right of public display);

publicly perform the work (right of public performance);

to communicate the work to the public by broadcast, and (or) subsequent broadcast (right to broadcast);

to communicate the work to the public by cable, wire or other similar means (right of communication to the public by cable);

translation of the work (right of translation);

adaptation, arrangement or other transformation of the work (right of adaptation);

to communicate the work to the public, so that any person may have access to it from any place and at any time of his choice (right of communication to the public).

(Twelfth paragraph repealed in accordance with the Law of the KR dated 27 June 2011 N 58)

bring the product to the public, so that any person may have access to work from any place and at any time of their choice (available to the public).

3. Where copies of a lawfully published work have been put into circulation by means of sale, may be further distributed without the author's consent and without payment of royalties.

The right to distribute copies of the work by putting in rental of audiovisual works, computer programs, databases, work fixed in a phonogram musical work in the form of a score belongs to the author, regardless of the ownership of these instances.

This rule does not apply to:

in relation to computer programs or databases, unless the software or the database is not the main object of the rental;

in audiovisual works, unless their rental has led to widespread copying of such works materially impairing the exclusive right of reproduction.

4. Author has the right to remuneration for each type of use of the product. Dimensions and procedure for calculating royalties for every kind of use of the work set in the author's contract, as well as contracts that organizations managing authors' economic rights on a collective basis, with users.

5. Restrictions specified in Part 2 of this article the authors' rights established by Articles 18-26 of this Law, provided that such use does not unreasonably prejudice the normal exploitation of the work and do not unreasonably prejudice the legitimate

interests of the author.

(As amended by the Law of the KR dated August 5, 2008 N 197, June 27, 2011 N 58)

Article 17. The right of access to a work of art. Droit

1. Copyright work of art entitled to require the owner of the work to exercise the right to reproduce his work (right of access). Provided that the owner can not work to deliver the work to the author.

2. Transfer of ownership of a work of fine art (whether for consideration or free of charge) from the author to another person means the first sale of this product.

In each case, the public (through auction, fine art gallery, art gallery, shop and so on) resale of the original work of art after the first alienation of ownership of the work of art is the author or his heirs are entitled to receive compensation from the seller in the amount of 5 percent the resale price (droit). That right is inalienable in the author's life and goes solely to the author's heirs at law or the will of the term of the copyright.

Article 18. Playback works for personal use without the author's consent and without payment of remuneration

1. Shall be permitted without the author's consent and without payment of remuneration reproduction in one copy lawfully disclosed work exclusively for personal purposes, except as provided for in Article 26 of this Law.

2. Regulation 1 of this Article shall not apply to: a work of architecture in the form of buildings and structures;

playback databases or substantial parts of them;

reproduction of computer programs, except in cases provided for in Article 25 of this Law;

reproduction of books (in full) and musical scores;

any unauthorized reproduction of works that have been brought to the public;

any other reproduction, which could harm the normal exploitation of the work and unreasonably prejudice the legitimate interests of the author.

(As amended by the Law of June 27, 2011 N 58)

Article 19. Use of a work without the author's consent and without payment of remuneration

1. Shall be permitted without the author's consent and without payment of remuneration, but provided that the author's name, the product is used and the source of borrowing:

1) quotation in the original language or in translation of scientific research, polemic, critical or informational purposes from lawfully published works to the extent justified by the intended purpose, including reproduction of extracts from newspaper and magazine articles in the press reviews;

2) the use of lawfully disclosed works and excerpts from them as illustrations in publications, radio and television broadcasts, and sound recordings of educational character to the extent justified by the purpose;

3) the reproduction in newspapers, broadcast or cable for general information published in newspapers or periodicals on current economic, political, social and religious issues, or of broadcast works of the same character, in cases where such reproduction, transfer to broadcast or cable are not specifically prohibited by the author;

4) the reproduction in newspapers, broadcast or cable communication to the public of public political speeches, addresses, lectures, and other similar works to the extent justified by the informatory purpose. In this case, the author retains the right to publish such works in collections;

5) the reproduction or communication to the public in the review of current events by means of photography, by broadcasting or communication to the public by cable works that are seen or heard in the course of such events to the extent justified by the informational purpose. In this case, the author retains the right to publish such works in collections;

6) reproduction of a lawfully published works without profit Braille or other specially created ways for the blind, except for works created especially for such means of reproduction.

2. Allowed without consent of the author or other copyright holder and without payment of remuneration export copy of the work abroad natural person exclusively for personal purposes, except for works whose export would harm the national

interests of the country, the list of which is determined in the prescribed manner.

Article 20. Use of works by libraries, archives and educational organizations

1. Shall be permitted without the author's consent and without payment of remuneration, but provided that the name of the author, whose works are used, and the source of borrowing, reproducing in a single copy without profit:

- 1) lawfully published works by libraries and archives to recover or replace lost or damaged copies, giving work to other libraries, lost for any reason the product of its funds, if obtaining such instance under normal conditions can not be any other way;
- 2) isolated articles or succinct works lawfully published in collections, newspapers and other periodicals, short extracts from lawfully published written works (with illustrations and without illustrations) libraries and archives at the request of individuals in educational and research purposes;
- 3) isolated articles or succinct works lawfully published in collections, newspapers and other periodicals, short extracts from lawfully published written works (with illustrations and without illustrations) educational institutions for use in classes.

2. Shall be permitted without the author's consent and without payment of remuneration to provide for temporary free use libraries copies of the works entered into civil circulation legally. At the same time copies of works, expressed in digital form, including copies of the works provided through mutual use of library resources can be provided for temporary use only in the premises of libraries with the deletion of the possibility to create copies of works in digital form.

(As amended by the Law of June 27, 2011 N 58)

Article 21. Free use of works permanently located in places open to public access

Permitted without the author's consent and without payment of remuneration reproduction, broadcasting or communication to the public by cable of works of architecture, photography, fine art permanently located in a place open to public access, except in cases where the image is the main object of work such reproductions, broadcasting or communication to the public by cable or if it is used for commercial purposes.

Article 22. Free public performance

Permitted without the author's consent and without payment of remuneration public performance of musical works during official and religious ceremonies and funerals to the extent justified by the nature of ceremonies.

Article 23. Free reproduction for judicial and administrative purposes

Permitted without the author's consent and without payment of royalties for the reproduction of works of judicial and administrative proceedings to the extent justified for this purpose.

Article 24. Free Ephemeral Recording, Broadcasting Organization

Broadcasting organization without the consent of the author and without payment of additional remuneration to record short-term use of the work for which it has obtained the rights to broadcast, provided that such a record is made by a broadcasting organization using its own equipment and for its own Transmission. Thus the organization is required to destroy the recording within six months after it was made, unless a longer period has been agreed with the author of the recorded work. This record can be saved without the author's consent in official archives, if it is of a purely documentary character.

Article 25. Leisure reproduction of computer programs and databases. Decompilation of Computer Programs

1. Person lawfully in possession of a copy of a computer program or database, without permission of the author or owner of the exclusive rights to use the work without payment of additional remuneration:

- 1) make a computer program or database changes made solely for the purposes of its operation on the user to perform any actions related to the functioning of a computer program or database in accordance with its purpose, including recording and storing in memory computers (one computer or one network), as well as correction of manifest error, unless otherwise provided by the contract with the author;
- 2) make a copy of a computer program or a database, provided that the copy is intended only for archival purposes and to replace the legally owned copy if such copy of the computer program or database is lost, destroyed or becomes unusable. A copy of the computer program or database can not be used for purposes other than those specified in paragraph 1 of this

part, and must be destroyed if the possession of the copy of the computer program or database ceases to be lawful.

2. Person lawfully in possession of a copy of a computer program may, without the consent of the author or owner of exclusive rights and without payment of additional remuneration, reproduce or convert the object code into the source code (decompile the computer program) or instruct others to carry out these actions, if they are needed to achieve interoperability of independently developed by that person of a computer program with other programs that can interact with the decompiled program, subject to the following conditions:

- 1) the information necessary to achieve interoperability has not been previously available to that person from other sources;
 - 2) these actions are carried out in relation to the parts of the decompiled computer program which are necessary to achieve interoperability;
 - 3) the information obtained by decompilation may only be used to achieve the interoperability of the independently created computer program with other programs, can not be transferred to other persons, except if necessary to achieve the interoperability of the independently created program with other programs and can not be used for the development of a computer program, a type essentially similar to decompile the computer program, or for any actions violating copyright.
3. Application of the provisions of this Article shall not cause undue harm to the normal use of the computer program or database and must not unreasonably prejudice the legitimate interests of the author or owner of the exclusive rights to the computer program or database.

Article 26. Playback works for private purposes without the author's consent to the payment of royalties

1. Notwithstanding the provisions of Articles 16, 37 and 38 of this Act shall be allowed without the author's consent, performers and phonogram producers, but with payment of their remuneration visual work or sound recording works solely for personal purposes.

2. Award for reproduction referred to in paragraph 1 of this Article shall be paid by the manufacturers or importers of equipment (audio and video recorders, other equipment) and media (audio and (or) videotapes and cassettes, laser discs, compact discs and other material carriers) used for such reproduction.

List of equipment and media, as well as the size and procedure for collecting appropriate means approved by the Government of the Kyrgyz Republic.

Collection and distribution of remuneration effected by one of the organizations managing the property rights of authors, performers and phonogram producers on a collective basis, in accordance with agreements between these organizations (Article 45 of this Law). If this agreement provides otherwise, the remuneration shall be distributed as follows: 40 percent - authors, 30 percent - performers, 30 percent - producers of phonograms.

3. Remuneration shall be paid for the equipment and material referred to in the first subparagraph of paragraph 2 of this article, which are subject to export, as well as professional equipment, not intended for home use.

(As amended by the Law of June 27, 2011 N 58)

Article 27. Term of Copyright

1. Copyright is valid throughout the life of the author and fifty years after his death, counting from the first day of January of the year following the year of death of the author.

2. Copyright in a work of joint authorship, acts lifelong collaborators and fifty years after the death of the last of the authors of the last surviving author.

3. Copyright in a work first published under a pseudonym or anonymously, valid for fifty years, beginning with the first day of January of the year following the year of publication of the work.

If within that period or anonymous pseudonym will be opened, then apply the period specified in paragraph 1 of this Article.

4. During the time frame specified in paragraph 1 of this Article, the copyright belongs to the author's heirs and inherited. During these same periods copyright belongs successors got it right under the contract with the author, his heirs and successors followed.

5. Copyright in a work first published within fifty years after the author's death, is valid for fifty years after its release to the

public, beginning on the first January of the year following the year of publication of the work.

6. Authorship, author's name and integrity of the work protected indefinitely.

Article 28. Public domain

1. Expiration of the copyright in a work shall fall into the public domain.

Works that in the Kyrgyz Republic have never enjoyed protection, are also considered in the public domain.

2. Works that have fallen into the public domain may be freely used by any person without payment of royalties. This should respect the right of authorship, the right to a name and the right to inviolability of the work (Article 15 of this Act).

3. Government of the Kyrgyz Republic shall establish the amount of deductions to the State Fund for the use of intellectual property on the territory of the Kyrgyz Republic of works in the public domain.

Article 29. Transition copyright inherited

Copyright inherited.

Not be inherited moral rights under Article 15 of this Law. The author's heirs have the right to carry out protection of these rights. These powers are not limited to the heirs of the term.

In the absence of heirs of the author protection of these rights carries Kyrgyzpatent.

Article 30. Property rights. Publishing agreement

1. Property rights specified in Article 16 of this Law shall be effected only by the author's contract, except as provided for in Articles 18-26 of this Law.

Property rights may be based on the author's contract for the transfer of exclusive rights or an author's contract for the transfer of non-exclusive rights.

2. Authors agreement on the transfer of exclusive rights to use a work permit in a certain way and within the contractual limits only to the person to whom the rights are transferred, and gives that person the right to prohibit such use of the work to others. The right to prohibit use of the work to others can be the author of the work, if the person to whom the exclusive rights does not avail himself of this right.

3. Authors agreement on the transfer of non-exclusive rights allows the user to use the product on a par with the owner of the exclusive rights, transfer such rights, and (or) other persons who have received permission to use this work in the same manner.

4. The rights granted under copyright contract shall be deemed non-exclusive, unless the contract expressly provides otherwise.

Article 31. Conditions copyright agreement

1. Author's contract shall include:

- 1) how to use the product (specific rights transferred under the contract);
- 2) time and the territory in which the right is transferred;
- 3) remuneration and (or) the procedure for determining the amount of remuneration for each mode of use of the product, procedure and terms of payment;
- 4) other conditions that the parties deem essential for the contract.

In the absence of the author's contract specify the period for which the right is effective, the contract may be terminated by the author at the end of five years from the date of its conclusion, the user will be notified in writing six months before the termination of the contract.

Author contract concluded for a long period of time may be terminated by the author after ten years from the date of conclusion of the contract, if the user is notified in writing six months before the termination of the contract. This right arises from the website every ten years.

If the author's contract for the territory to which the rights are transferred, the action transferred under the agreement is limited to the law of the Kyrgyz Republic.

2. Rights to use the work, not expressly granted to an author's contract shall be deemed not to be transferred.

The author's contract may not be right to use the work, not known at the time of the contract.

3. Remuneration determined the author's contract as a percentage of income for the corresponding method of using the product, or if that is not possible due to the nature of the work or the peculiarities of its use, in the form of a lump sum or otherwise.

See:

Kyrgyzpatent ruling of the Kyrgyz Republic of February 28, 2000 N 2 (Approval of the Rules of distribution of royalties for the use of copyright and related rights)

Minimum rates of remuneration established by the Government of the Kyrgyz Republic. Minimum dimensions of remuneration indexed simultaneously indexing the minimum wage

See:

Resolution of the Government of the KR dated July 22, 2002 N 488 "On the minimum rates of remuneration for the use of copyright and related rights"

If the author's contract for publication or other reproduction of a work fee is determined as a fixed amount, then the contract must be set maximum number of copies of the work.

4. Rights transferred to the author's contract may be transferred in whole or in part to other persons only if it is expressly provided for by the contract.

5. The author's contract may not be right to use the works which the author may create in the future.

6. Condition copyright agreement limiting the author in the future creation of works on the subject, or in the field is invalid.

7. Conditions copyright agreement, contrary to the provisions of this Act are invalid.

8. Party has not performed or improperly performed obligation to the author's contract shall compensate the losses caused to the other side.

Article 32. Form of copyright agreements

1. Author's contract shall be concluded in writing. It relates to the use of works in periodicals may be concluded orally.

2. The sale of copies of computer programs and databases, and providing extensive access to them is allowed to use a special order to sign the agreement, determined by the legislation of the Kyrgyz Republic.

3. Author's contract may be registered at Kyrgyzpatent by mutual agreement. For registration of contracts to charge registration fees, size and order of payment is determined by the Government of the Kyrgyz Republic.

Kyrgyzpatent develops exemplary copyright treaties.

See Resolution of the Government of the Kyrgyz Republic on May 14, 1999 N 260 "On the registration fee of copyright, related rights and copyright agreements"

Article 33. Authors order contract

1. Moral rights in the work created by the contract order, belongs to the author.

2. Exclusive right to use a registered products belong to the party specified in the conditions of the author's contract order.

3. According to the author's contract reservation author undertakes to create the product in accordance with the terms of the contract and send it to the customer.

4. Customer shall remuneration agreed by contract to pay the author an advance. Size, order and terms of payment of the advance shall be established in the contract agreed by the parties.

5. If the author has not registered the product in accordance with the terms of the order, he is obliged to compensate the actual damage caused to the customer.

Section III

Neighboring rights

Article 34. Scope related rights

1. Performer's rights shall be recognized in accordance with this Act if:

- 1) The performer is a citizen of the Kyrgyz Republic;
- 2) The first performance took place on the territory of the Kyrgyz Republic;
- 3) performance has been recorded on a phonogram protected in accordance with the provisions of paragraph 2 of this Article;
- 4) performance has not been recorded on the soundtrack included in the broadcasting or cable that is protected in accordance with the provisions of Part 3 of this article.

2. Rights phonogram producer shall be recognized in accordance with this Act if:

- 1) The producer of a phonogram is a citizen of the Kyrgyz Republic or a legal entity with its headquarters on the territory of the Kyrgyz Republic;
- 2) the phonogram was first published in the territory of the Kyrgyz Republic. Soundtrack also considered as first published in the Kyrgyz Republic, if within 30 days after the date of publication outside the Kyrgyz Republic was published in the Kyrgyz Republic.

3. Rights organization of air or cable broadcasting recognized her in accordance with this Act if the organization has its headquarters on the territory of the Kyrgyz Republic and broadcasts from transmitters located on the territory of the Kyrgyz Republic.

4. Rights of foreign performers, phonogram producers, broadcasters and cable broadcasting recognized in the territory of the Kyrgyz Republic in accordance with international treaties of the Kyrgyz Republic.

Article 35. Objects related rights

Related rights apply to performances, performances, phonograms, transmission of broadcasting and cable broadcasting, regardless of their purpose, content and dignity, as well as the mode or form of their expression.

Article 36. Subjects related rights

1. Subjects related rights are performers, producers of phonograms, the organization of air or cable broadcasting.

2. Phonogram producer organization broadcasting or cable exercise their rights specified in this section, within the rights under the contract with the performer and the author recorded on a phonogram or broadcast or transmitted by cable.

Permission to use the statement received from the director of the play, does not negate the need to obtain permission from the other performers involved in the production, as well as the author of the work performed.

3. Executor specified in this section, subject to the rights of the rights of the author of the work.

4. For the implementation of or related rights does not require any formalities. Phonogram producers and performers to announce their rights to use the mark is entitled to protection of related rights, which is placed on each copy of the phonogram and (or) on each containing its case and consists of three elements:

Latin letter "P" in a circle - P;

name (s) of the holder exclusive rights;

year of the first publication of the phonogram.

5. (Repealed in accordance with the Law of the KR dated 27 June 2011 N 58)

6. To contracts of performers and producers of phonograms the transfer of rights, the provisions of this Law on the author's contract, unless otherwise follows from the nature of the rights transferred.

(As amended by the Law of the KR dated November 6, 1999 N 120, June 27, 2011 N 58)

Article 37. Rights Executive

1. Except as provided in this Law, the Executive with respect to its performance or production following moral and property rights:

right to a name;

the right to protection of the performance of any distortion or other derogatory act liable to prejudice his honor and dignity;

the right to exploit the performance in any form, including the right to receive remuneration for each type of use of a

performance.

2. Exclusive right to use the performance means to exercise the right to authorize or prohibit the following acts:

1) broadcast or communicate to the public by cable of a performance if used for such transmission performance has not been previously broadcast or carried out with a recording;

2) record previously recorded performance;

3) play back the recording of a performance;

4) to broadcast or cable recording of a performance, if recording was originally made for noncommercial purposes;

5) rental published for commercial purposes soundtrack on which performance has been recorded with the participation of the singer. This right is signing a contract for recording of a performance on a phonogram goes to the producer; the performer shall retain the right to remuneration for the rental of copies of the phonogram (Part 2 of Article 39 of this Law);

6) to inform the recording of the performance to the public, so that any person may have access to it from any place and at any time of his choice (right of communication to the public);

7) to distribute the original or copies of a performance recorded on a phonogram through sale or other transfer of ownership.

If the original or copies of a performance recorded on a phonogram lawfully placed on the market through sale or other transfer of ownership, their subsequent distribution in the territory of the Kyrgyz Republic without the performer's consent and without remuneration.

3. Exclusive right of the performer under paragraph 3 of Part 2 of this Article shall not apply in cases where:

the initial recording of the performance was made with the consent of the performer;

reproduction of the performance made for the same purpose for which consent was obtained artist recording of a performance;

reproduction of the performance made for the same purpose for which the recording was made in accordance with the provisions of Article 42 of this Law.

4. Authorizations referred to in paragraph 2 of this Article shall be granted by the Executive, and in a group performance - head of the group by entering into a written agreement with the user.

5. Authorizations referred to in paragraphs 1, 2 and 3 of Part 2 of this article, the next transmission of a performance record for the implementation of the transfer and playback of that recording by broadcasting or cable are not required if they are expressly provided for by the contract performer with the air or cable broadcasting. Executive remuneration for such use as specified in the contract.

6. A contract between the performer and the producer of the audiovisual work to create an audiovisual work entails providing performer of the rights referred to in paragraphs 1, 2, 3 and 4 of Part 2 of this article.

Providing performer such rights is limited to use of audiovisual works, and if the contract does not specify otherwise, does not include the right to use a separate sound or image recorded in the audiovisual work.

7. Exceptional performer's rights provided for in part 2 of this article may be transferred by contract to others.

8. Agreement on the transfer of exclusive rights can be registered at Kyrgyzpatent. For registration of contracts to charge registration fees, size and order of payment is determined by the Government of the Kyrgyz Republic.

(As amended by the Law of the KR dated August 5, 2008 N 197, June 27, 2011 N 58)

Article 38. Rights of the Phonogram

1. Except as provided in this Law, the phonogram producer in respect of his phonograms shall enjoy the exclusive right to the use of phonograms in any form, including the right to receive remuneration for each form of use.

2. Exclusive right to use a phonogram means the right to perform or authorize the following acts:

1) play music directly or indirectly;

2) adaptation or any transformation of the phonogram;

3) distribute copies of the phonogram, sell, lease or rental, and so on;

- 4) to import copies of the phonogram for distribution, including copies made with the authorization of the producer of the phonogram;
 - 5) to inform the public of phonograms in such a way that any person may have access to it from any place and at any time of his choice (right of communication to the public);
 - 6) transfer of the phonogram or by cable.
3. If copies of a lawfully published phonogram put into circulation by sale, they may be further distributed without the consent of the phonogram producer and without remuneration.

Right to distribute copies of the phonogram by rental shall belong to the phonogram producer, regardless of the ownership of these instances.

4. Exclusive rights of the phonogram producer envisaged in part 2 of this article may be transferred by contract to others.
5. Agreement on the transfer of exclusive rights can be registered at Kyrgyzpatent. For registration of contracts to charge registration fees, size and order of payment is determined by the Government of the Kyrgyz Republic.

(As amended by the Law of the KR dated August 5, 2008 N 197, June 27, 2011 N 58)

Article 39. Use of phonograms published for commercial purposes without the consent of phonogram producers

1. Notwithstanding the provisions of Articles 37 and 38 of this Act shall be allowed without the consent of the producer of a phonogram published for commercial purposes, and performer whose performance is recorded on the phonogram, but with fee:

- 1) the public performance of the phonogram;
- 2) transfer of the phonogram;
- 3) communication of the phonogram to the public by cable.

Phonogram general notice shall be treated as published for commercial purposes.

2. Collection, distribution and payment of remuneration provided for by Part 1 of this Article shall be one of the organizations administering the rights of producers of phonograms and performers on a collective basis (Article 44 of this Act), in accordance with the agreement between the two organizations. If this agreement provides otherwise, the remuneration shall be distributed among the phonogram producers and performers equally.

3. Remuneration and terms of payment shall be determined by agreement between the user of the phonogram or the unions (associations) of users on the one hand and the organizations that manage the rights of producers of phonograms and performers, on the other hand, in the case if the parties fail to reach such an agreement, - Kyrgyzpatent.

Remuneration is established for each form of use.

4. Members of phonograms shall provide the organization referred to in paragraph 2 of this article, containing detailed information on the number of performances, phonograms, as well as other information and documents necessary for the collection and distribution of remuneration.

(As amended by the Law of June 27, 2011 N 58)

Article 40. Rights of Broadcasting Organizations

1. Except as provided in this Law, the broadcasting organization in respect of transfer of the exclusive right to use it in any form and to permit the use, including the right to receive remuneration for such grant.

2. Exclusive right to authorize the use of the transmission means of broadcasting organizations to authorize:

- 1) simultaneous broadcasting of the program by another broadcasting organization;
- 2) inform the transmission to the public by cable;
- 3) recording of the program;
- 4) play back the recording of transmission;
- 5) inform the program to the public in places with paid entrance.

3. Exclusive right of broadcasting organizations provided for in paragraph 4 of Part 2 of this Article shall not apply to cases

where:

program has been recorded, with the consent of the broadcasting organization;

is reproduced for the same purpose for which it was recorded in accordance with the provisions of Article 42 of this Law.

Article 41. Cablecasting organizations

1. Except as provided in this Law, the cable distribution organization in relation to its program the exclusive right to use it in any form and to permit the use, including the right to receive remuneration for such grant.

2. Exclusive right to authorize the use of transmission means the right of the cable broadcasting authorize the following acts:

1) at the same time communicate to the public by cable program by another cable distribution organization;

2) broadcasting of the program;

3) recording of the program;

4) play back the recording of transmission;

5) inform the program to the public in places with paid entrance.

3. Exclusive right cable broadcasting organizations provided for in paragraph 4 of Part 2 of this Article shall not apply to cases where:

program has been recorded with the consent of the cable broadcasting;

is reproduced for the same purpose for which it was recorded in accordance with the provisions of Article 42 of this Law.

Article 42. Restrictions from the performer, organization of air or cable broadcasting

1. Notwithstanding the provisions of Articles 37-41 of this Act are permitted without the consent of the performer, the organization of air or cable broadcasting and without remuneration use of the performance, broadcast, cablecast and their records, as well as reproduction of phonograms:

1) for inclusion in the review of the current events of short excerpts from performances, phonograms, broadcasts or cable;

2) solely for the purpose of teaching or scientific research;

3) citation in the form of short excerpts from performances, phonograms, broadcasts or cable, provided that such quotation provided for informational purposes only. However, any use of the broadcasting or cable distribution of copies of a phonogram published for commercial purposes for broadcasting or cable can only be subject to the provisions of Article 39 of this Law;

4) in other cases stipulated by the provisions of Articles 18-25 of this Act in respect of restrictions on the property rights of the author of works of literature, science and art.

2. Notwithstanding the provisions of Articles 37-41 of this Law shall be allowed without the consent of the performer, the organization of air or cable broadcasting use of the broadcast or cable and its recording and reproduction of a phonogram for personal purposes. The soundtrack is subject to the payment of remuneration in accordance with Article 26 of this Law.

3. Provisions of Articles 37, 38, 40 and 41 of this Law concerning the authorization of the performer, the organization of air or cable broadcasting to perform an ephemeral recording of performance, production or transmission, reproduction of such recordings and reproduction of a phonogram published for commercial purposes, if ephemeral recording or reproduction is made by a broadcasting organization using its own equipment and for its own program, provided that:

1) prior broadcasting organization permission to broadcast the most performance or transfer in respect of which, in accordance with the provisions of this part of the recording or reproduction of short-term use of such records;

2) is destroyed within the period laid down in respect of ephemeral recordings of works of literature, science and art, made by broadcasting organizations in accordance with the provisions of Article 24 of this Law, except in one instance, which can be preserved in official archives on the basis of its exceptional documentary character.

4. Limitations provided for in this Article shall not prejudice the normal exploitation of phonograms, performances, broadcasts or cable and their records, and included them in works of literature, science and art, and without prejudice to the legitimate interests of the performer, organization of air or cable broadcasting and the authors of the works.

Article 43. Term of Related Rights

1. Rights provided for in this Title shall remain in effect for 50 years after the first performance.

Performer's rights to the name and protection of the performance of any distortion or other derogatory established by Article 37 of this Law shall be protected indefinitely.

2. The rights provided by this section with respect to the phonogram producer in effect for 50 years after the first publication of the phonogram or for 50 years after its first recording, if the phonogram has not been published during this period.

3. Rights provided for in this section in respect of the broadcasting organization, valid for 50 years after the implementation of such organization of the broadcast.

4. Rights contained in this Section for cable distribution organization in effect for 50 years after the implementation of such an organization cablecast.

5. Computation of time specified in paragraph 1, 2, 3 and 4 of this Article shall begin on 1 January of the year following the year in which the legal fact, which is the basis for the beginning of the period.

6. If the artist was arrested and rehabilitated posthumously, the term of protection of rights under this Article shall begin on January 1 of the year following the year of rehabilitation.

7. To the heirs (in the case of legal entities - successors of) the performer, the organization broadcasting or cable goes right to authorize the use of performances, phonograms, broadcasting or cable distribution organization for remuneration within the remainder of the terms specified in parts 1, 2, 3 and 4 of this article.

Section IV

Collective administration of economic rights

Article 44. Targets collective management of property rights

1. To ensure the property rights of authors, performers, phonogram producers and other holders of copyright and related rights in the cases when their practical realization individually difficult, can be created organizations managing these individual property rights on a collective basis.

Such organizations are created directly by the owners of copyright and related rights, and operate within the limits of their authority on the basis of statutes adopted in the manner prescribed by law. Charter of the organization managing the property rights on a collective basis, must contain provisions that meet the requirements of this Act. Failure to register the organization managing the property rights of authors on a collective basis, is permitted in cases of violation of this Act, and legislation establishing the procedure for registration of public associations.

2. Allowed on the territory of the Kyrgyz Republic to organize, manage property rights on a collective basis, but no more than one organization for the management of one category of rights or rights holders.

Creating organizations that administer economic rights on a collective basis, subject to the consent of Kyrgyzpatent.

(As amended by the Law of the KR dated November 6, 1999 N 120)

Article 45. Organization, administration of economic rights on a collective basis

1. Mandate for the collective management of property rights transferred to the organization managing the property rights on a collective basis, directly to the holders of copyright and related rights in written agreements or their membership in such an organization, as well as appropriate agreements with foreign organizations that administer similar rights. Such contracts are not copyrighted, and are not subject to the provisions of Articles 30-33 of this Law.

Any author or his heir or other owner of copyright and related rights protected in accordance with Section III of this Act, the right to transfer the contract implementation of their property rights such an organization, and the organization must agree to exercise these rights on a collective basis, if the administration of the category rights related to its statutory activity.

Organization managing property rights on a collective basis, shall not engage in commercial activities, as well as to the use of works and objects of related rights acquired to manage on a collective basis.

Activities of the organization managing the property rights on a collective basis, is not regarded as a monopoly and not subject to the limitations imposed by the antitrust laws.

2. Organization managing property rights on a collective basis, concluded a licensing agreement with the relevant users how to

use the works and objects of related rights. The terms of such license agreements should be the same for all users in a given category. Said organization is not entitled to refuse to enter into a license agreement to the user without sufficient justification. Such license agreements permit the use, by them of all the works and objects of related rights and are provided on behalf of all holders of copyright and related rights, including those that are not mandated the organization in accordance with Part 1 of this article.

All users who have signed a license agreement are obliged to carry out state registration in the prescribed manner and get the proper state registration certificate sample Kyrgyzpatent. For issuance of a license fee of the cost of funds expended for registration.

All possible claims of ownership of copyright and related rights to the users associated with the use of their works and objects of related rights under such license agreements shall be settled organization, the license agreements.

2-1. Order to enter into licensing agreements shall be in accordance with Article 406 of the Civil Code of the Kyrgyz Republic.

3. Organization managing property rights on a collective basis, the right to remain unclaimed remuneration, including it in the distributed amounts or paying for other purposes in the interests of the represented holders of copyright and related rights on the expiry of three years from the date of its receipt at the expense of the organization.

(As amended by the Law of the KR dated November 6, 1999 N 120, June 27, 2011 N 58)

Article 46. Functions and responsibilities of the organizations managing the property rights on a collective basis

1. Organization managing property rights on a collective basis, shall be submitted on behalf of the holders of copyright and related rights, and on the basis of the mandates entrusted the following functions:

- 1) negotiate with users remuneration and other conditions under which the license agreements;
- 2) enter into licensing agreements with users on use rights, managed by such organization;
- 3) negotiate with users remuneration in cases where the organization is authorized to deal only with collecting such remuneration without the conclusion of a license agreement (Article 26 and Parts 2 and 3 of Article 39 of this Law);
- 4) collects license agreement provided for remuneration and (or) the remuneration provided for in paragraph 3 of this subsection;
- 5) distribute and pay the remuneration it represented the owners of copyright and related rights;
- 6) perform any legal actions necessary to protect the rights, managed by such organization;
- 7) perform other activities in accordance with the authority given by the holders of copyright and related rights.

Not permitted exercise of the functions provided for in paragraphs 4 and 5 of this subsection, more than one organization, managing the property rights on a collective basis.

2. Organization managing property rights on a collective basis, should carry out for the holders of copyright and related rights:

- 1) to use the in accordance with the provisions of paragraph 4 of Part 1 of this Article, remuneration solely for distribution and payment to the holders of copyright and related rights. Thus the organization has the right to deduct from the amount collected remuneration to cover their actual costs for the collection, distribution and payment of such compensation, as well as the amounts that are sent to special funds set up by the organization to address its members. Government of the Kyrgyz Republic shall establish the amount of deductions to the State Fund for the use of intellectual property on the territory of the Kyrgyz Republic of works and objects of related rights;
- 2) to distribute and pay regularly collected remuneration, less the amounts referred to in paragraph 1 of this Part, in proportion to the actual use of works and objects of related rights;
- 3) simultaneously with the payment of interest to the holders of copyright and related rights reports that contain information about the use of their rights.

3. Holders of copyright and related rights who have not the organization managing the economic rights on a collective basis, authority to collect the remuneration in accordance with paragraph 4 of Part 1 of this article, it may require the payment of remuneration due to them and to exclude their works and objects related rights of the licenses it grants users.

(As amended by the Law of the KR dated November 6, 1999 N 120)

Article 47. Monitoring the activities of organizations that administer economic rights on a collective basis

1. Organization managing property rights on a collective basis, to report Kyrgyzpatent in control of its activities, the following information:

- 1) the changes made to the charter or other constituent documents of such an organization;
- 2) of such organization concluded bilateral and multilateral agreements with foreign organizations administering similar rights;
- 3) about the decisions of the general assembly;
- 4) annual balance sheet, annual report, including information on unclaimed remuneration and audit results;
- 5) the persons authorized to represent this organization.

2. Kyrgyzpatent may request from an organization additional information necessary to verify compliance of the organization with this Law, the law on public associations or other laws, as well as the charter of the organization.

3. Prior to the creation of organizations managing the property rights on a collective basis, Kyrgyzpatent performs the functions and responsibilities of these organizations in accordance with this section.

Section V

Protection of copyright and related rights

Article 48. Violation of copyright and related rights

For violation of this Act provided for copyright and related rights entail civil, criminal and administrative responsibility in accordance with the legislation of the Kyrgyz Republic.

Article 49. Civil legal and other measures to protect copyright and neighboring rights

1. Protection of copyright and related rights by the court by:

- 1) recognition of rights;
- 2) restore the situation that existed before the violation of law;
- 3) suppression of acts that infringe or threatening to infringe;
- 4) damages, including lost profits;
- 5) recovery of income received by the infringer as a result of infringement of copyright and related rights, in lieu of damages;
- 6) the payment of compensation in the amount of from 20 to 50,000 times the minimum wage established by the legislation of the Kyrgyz Republic, at the discretion of the court, in lieu of damages or collection of income;
- 7) take any other measures stipulated by legislative acts relating to the protection of their rights.

Referred to in paragraphs 4, 5 and 6 of this part of measures applied at the choice of the copyright and related rights.

2. For the protection of their rights holders the exclusive copyright and related rights, as well as their representative organizations administering economic rights on a collective basis, may apply in the prescribed manner to the court and the law enforcement authorities.

3. Counterfeit copies of works or phonograms are subject to mandatory forfeiture by the court or a judge sitting alone. Confiscated counterfeit copies of works or phonograms shall be destroyed unless they transfer the holder of copyright or related rights, at his request. The court or judge alone may order the confiscation of materials and equipment used for the production and reproduction of counterfeit copies of works or phonograms.

4. A person is guilty of intentional destruction or negligent destruction of the original works of art, manuscripts, or an audiovisual work (negative, original recording), by author or holder of related rights is obliged to make good the material and moral damages in accordance with the requirements of Part 1 this article.

(As amended by the Law of June 27, 2011 N 58)

See:

Decision of the Plenum of the Supreme Court on November 4, 2004 N 11 "On some issues of judicial practice of law for

moral damages"

Article 50. Methods of securing a claim for violations of copyright and related rights

1. Court or judge alone may decide to prohibit the defendant, or the person in respect of whom there are reasonable grounds to believe that it is infringing copyright and related rights to perform certain actions (production, reproduction, sale, rental, import or otherwise provided Use this Law, as well as transportation, storage or possession with intent to manufacture civil circulation of copies of works or phonograms in respect of which it is assumed that they are counterfeit).

2. Court or judge alone may make a determination to seize and confiscate all copies of works or phonograms, for which it is assumed that they are counterfeit, as well as materials and equipment used for their production and reproduction.

If there are sufficient data on infringement of copyright or related rights body of inquiry, the investigator, the court or judge alone must take measures to search for and seizure of copies of works or phonograms, for which it is assumed that they are counterfeit, materials and equipment intended for the manufacture of and play these copies of works or phonograms, as well as documents that can serve as evidence of committing acts that violate this Act, including, where necessary, measures for their withdrawal and transfer for safekeeping.

(As amended by the Law of June 27, 2011 N 58)

Section VI

Final provisions

Article 51. On enactment of this Act

1. This Act enters into effect from the date of publication.

It is published in the newspaper "Erkin Too" on January 23, 1998 N 6-7; "Our newspaper" from January 28, 1998 N 6

2. This Act shall apply to the relations to establish and use of copyright and related rights arising after its enactment.

3. Until the legislation of the Kyrgyz Republic in accordance with this Law, normative acts of the Kyrgyz Republic to the extent that they are not contrary to this Act.

4. On works and objects of related rights previously not copyrighted, this Act applies for the period remaining until the expiration of 50 years from the date of the first lawful publication or before the expiration of 50 years from the date of their creation, if they have not been made public.

5. Term of protection of authors' rights under article 27 of this Law shall apply to works for which the term of copyright to the publication of this Law has not expired.

6. Government of the Kyrgyz Republic within three months after the publication of this Law must:

- Prepare and submit to the Parliament of the Kyrgyz Republic to bring the legislation into conformity with this Law;
- Brought into conformity with this Act regulations issued by the Government of the Kyrgyz Republic, ministries and administrative departments of the Kyrgyz Republic.

President of Kyrgyzstan Askar Akaev

Adopted by the Legislative Assembly

Kyrgyz Parliament December 16, 1997