

REGULATIONS of distribution of royalties for use of copyright and related rights

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REGULATIONS

**of distribution of royalties for use of
of copyright and related rights**

Section I General provisions

1. Present Regulation of distribution of royalties for use of copyright and related rights (further-Regulation of distribution) developed according article 31 of the Law of the Kyrgyz Republic “O Copyright and Related rights” and with provisions on minimal rates for use of objects copyright and related rights approved by regulation of the Government of the Kyrgyz Republic of July 22, 2002 N488.

2. Regulation establishes the distribution percentages and shares in the distribution of royalties accrued by users for owners of property rights for the use of copyright and related rights.

In the case of co-authorship in the same category creators of works of the amount of remuneration is divided equally between the authors if there is no separate agreement.

Royalties for the public performance of works, consisting of parts having independent meaning created by co-authors as one indivisible whole is paid in accordance with Section II of the Rules of distribution.

Of royalties to the author of a literary text used by artists of the original genre (entertainers, clowns, magicians, psihoeksperimentatorami, etc.), for the music that accompanies their

performance (without literary text) shall be paid in accordance with Section III of the Rules of distribution.

Rewards authors and performers for the transmission performances (plays) to the public in a broadcast or cable shall be paid:

- In the primary use according to the contract between the performer and the organization created the formulation and / or transmission;
- With repeated use under Section IV of the Rules of distribution.

Authors royalty for public performance Royalties for the public performance is calculated only by the authors (and their successors), which is protected by copyright. The remuneration is not claimed within three years, will be deducted in the State Intellectual Property Fund.

3. Notwithstanding the provisions of Articles 37 and 38 of the Law of the Kyrgyz Republic "On Copyright and Related Rights" 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 against payment of remuneration:

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

On the basis of Article 44 of the aforementioned Law the collection, distribution and payment of remuneration by one of the organizations that manage the rights of phonogram producers and performers on a collective basis, in accordance with the agreement between the organization and users. If the agreement provides otherwise, the remuneration shall be distributed between the phonogram producers and performers equally.

The distribution of royalties collected on the territory of the Kyrgyz Republic, on the basis of the information specified in the reports used by users of the products.

Report forms are defined by user agreements concluded between users and Kyrgyzpatent.

The distribution of received reports of users, designed properly and containing sufficient information for distribution.

Reports deemed improperly appointed and / or contain insufficient information in the following cases:

- A report drawn up by an unidentified form of contract;

- In the report there is no stamp and signature of authorized representative of the user or a report signed by a person not entitled to sign;
- There is no information in the required columns of the report;
- The report did not contain the names of the authors and / or titles of works;
- The report contains deliberately false information (in the "author" Unknown Artist, etc.);
- The report is filled by font size less than 12 pt.

In the above cases, the report shall be transmitted to the user for revision. If the report is transmitted to the user on completion, the amount of royalties received on such reports, are not allocated to the receipt of the reports in the proper form.

If the report given by the product processed, resolution, the processing of which has not been received, the amount of royalties is reserved until receipt of the corresponding application from the author of the original work or an agreement on the processing of the product.

Basic Concepts

4. For the purposes of this Regulation the distribution of the following terms have the following meanings:

- author автор - private body
- Singer - actor, singer, musician, dancer or other person who performs, sings, plays a musical instrument or otherwise performs works of literature or art (including variety, circus or puppet show), as well as the director of the play and conductor;
- The owner of copyright and (or) related rights:
 - Author or performer when property rights vested with the author or performer;
 - Natural or legal person who has been ceded property rights;
 - A natural person other than the author or performer or a legal entity in cases where property rights was originally endowed with a natural or legal person (phonogram producer, producer of an audiovisual work, the publisher or other person on the initiative and by means of which was created by the product);
- Share - weighting factor specific genre product that is used in the distribution of royalties for concert, dance, circus and other program teams of the copyright holder.

Section II

Distribution of royalties
for the use of works in the public performance
drama, music (with or without text)
and musical-dramatic works
(Great shape)

5. The size of contributions to cover the costs related to fees, charges, distribution, payment of royalties is 10 percent of the amount of remuneration received from the payer.

6. The remaining amount of royalties distributed among the authors as follows:

Types of works	% of authors royalty
Original dramatic works	
Author of play	80
Composer	20
Dramatizations of works protected (not protected) copyright	
Author of literary work	40
Author of dramatization	40
Composer	20
Dramatizations of works protected (not protected) copyright at translation of literary work.	
Author of literary work	30
Author of dramatization	35
Translator of literary works (in the case of staging copyrighted translation of literary works)	15

Composer	20
Translations of dramatic works protected (not protected) copyright	
Author of play	
Translator	40
Composer	40
	20
Opera	
Composer	70
Author of libretto	20
choreographer	10
Opera in the translation of the libretto	
composer	70
libretto	15
libretto translator	5
choreographer	10
ballet	
composer	70
libretto	5
choreographer	25
Operetta musical comedy. musicale	
Author of play	45

Composer	45
choreographer	10
Operetta, musical comedy, a musical with text translations	
composer	45
Author of the play	25
The translator of the play	20
choreographer	10

Section III

**The distribution of royalties accrued
for the use of music (with or without text) and
dramatic works, coming for the concert,
dance, circus and other prefabricated programs
equal footing in the (small form)**

7. The size of contributions to cover the costs related to fees, charges, distribution, payment of royalties for the public performance of works of small forms of 10protsentov with the amount of remuneration received from the payer.

8. The remaining amount of royalties distributed among the authors in equal footing as follows:

Genre (form) of the work	Number of shares	
	Text/ Libretto	Music
Aitysh	15	
intermission		5

Aria from the opera, operetta	3	6
Ballet in one act	9	35
Ballet in one act	9	35
Symphonic Ballad		20
Ballad for separate instruments		5
Ballad (song)	3	3
Variations symphony		35
Variations pop		5
Vivat	3	6
Vocalise		5
Entry to the circus or variety program, dramas		5
Dastan	15	
divertissement		20
Duet from the opera, operetta	3	6
sketches symphony		35
sideshow	15	

Cantata for chorus, soloists and orchestra	9	35
Cantata (one part)	3	6
Symphonic pictures		35
quartet		35
Quartet (one piece)		10
quintet		35
Quintet (one piece)		10
composition		5
Vocal and choreographic composition	8	20
Vocal and choreographic composition (one piece)	3	6
Concerto with orchestra		35
Concerto for Orchestra		35
Concert (one part)		10
concertina		20
entertainer	10	
Entertainer with music	10	3

kuu		20
Kayak, choir		10
Literary cycle (a poem, a story, a fairy tale)	10	
Literary cycle (poem, story)	10	
Manas epics Small	15	
mass	9	35
metamorphosis		5
monologue	10	
Music for the circus acts (for each musical number)		2
tunes		5
But No		35
Nonet (one piece)		35
octet		35
Octet (one piece)		10
Opera in one act	15	35
Opera (one act)	15	35

Operetta (musical comedy), one-act	20	20
Operetta (musical comedy) (one act)	20	20
oratorio	9	35
Oratorio (one piece)	3	6
Original music accompanying statement		3
pantomime		5
paraphrase		5
parody	3	
Partita		20
Partita (one piece)		5
Passacaglia		5
pastorale		5
Pastorale (one piece)		3
song	3	3
medley		5
symphonic Poem		35

Vocal-symphonic poem or multipart choral)	9	35
Vocal-symphonic poem (one piece)	3	6
prelude		3
Piece tool		3
symphonic Rhapsody		20
Rhapsody pop		5
Rasp	3	6
Requiem	9	35
Patter	5	
Recitative	3	6
Romance	3	3
Salamdashuu	15	
Satire	3	
Sextet		35
Sextet (one piece)		10
Septet		35

Septet (one piece)		10
Symphony		35
Symphony (one piece)		10
Symphony with text	9	35
Sinfonietta		35
Sinfonietta (one piece)		10
Sonata for one or more instruments		35
Sonata (one piece)		10
Sonatina		20
A scene from the opera	3	10
A scene from the ballet (pas de deux)	2	10
A scene from the operetta	6	6
Suite vocal and choreographic	8	20
Suite vocal and choreographic (one piece)	3	6
Suite vocal-symphonic (multipart)	9	35
Vocal-symphonic suite (one piece)	3	6

Suite for Brass Band		10
Suite for Brass Band (one piece)		3
Suite from the Ballet (for symphony orchestra)		20
Suite from the Ballet (for symphony orchestra) (one part)		6
Suite from the opera		35
Symphonic Suite		20
Symphonic Suite (one piece)		6
Dance Suite		10
Dance Suite (one piece)		3
Choral Suite	8	20
Choral Suite (one piece)	3	6
Suite pop		5
Dance		3
Terme	15	
Terzetto		35
Toccata		5

Toccatina		3
Trio tool		35
Trio (one piece)		10
The trio of operas, operettas	3	6
Triptych		9
Symphonic Overture		20

The overture to the ballet, opera, operetta 10

Overture to the circus or variety programs, films, dramatic performances 5

Symphonic Fantasia 20

Fantasy 5 pop

Feuilleton verses from March 10

Chorus March 6th

Ditty March 3

Sketches Symphony 35

Study 3

Chacon 10

Fragment (music) 3

extravaganza 5

fugue

10

The calculation of royalties by the formula: $a(i) = S D(i)$, :

$a(i)$ – authors royalties for 1 author;

S - the amount of payment for a concert minus the fee;

D(i) – authors share

n

$D(i) = P(i) / \sum P(i), :$

i

P(i) - пай i-го автора;

n – number of authors, whose works was performed in this concert

Section IV

The distribution of royalties for the use of of copyright and related rights organizations broadcasting and cable

9. The size of contributions to cover the costs of the fees, charges, distribution, payment of royalties is 10 percent of the amount of remuneration received from the payer. Calculations are made on quarterly reports.

10. The remaining amount to pay copyright royalties distributed among authors and holders of property rights in accordance with the amount of a performance for the reporting period as follows:

40% - the author of the text;

40% - the author of music;

20% - the executor.

Section V

The distribution of royalties for the use of copyright and related rights incoming without report on used works.

11 The size of contributions to cover the costs related to fees, charges, distribution, payment of royalties for the use of copyright and related rights, received no report about the used products is 10 percent of the amount of remuneration received from the payer.

12. In this case, payers are legal entities and individuals included in the category of taxpayers who have paid a royalty for the use of copyright and related rights, but for objective reasons can not provide a report about the used products.

13. The distribution is as follows:

Royalties received no reports, summed and divided by the consolidated annual accounts of broadcasting and cable broadcasting as a percentage depending on the amount of calculation of royalties each organization broadcasting and cable.

14. Further distribution of royalties is made in accordance with Section IV of this Regulation.

Section VI

The distribution of royalties accrued

for the use of music (with or without text)

and dramatic works coming

from the reproduction and distribution promulgated

products in the form of a sound recording,

in equal footing (Short Form)

15. The amount of remuneration for the use of music (with or without text), and dramatic works, coming from the reproduction and distribution of published works in the form of a sound recording is distributed among the authors in equal footing similar to section III of this Regulation.