

LAW NO. 1060-XII
OF THE REPUBLIC OF UZBEKISTAN
ON THE LEGAL PROTECTION OF COMPUTER PROGRAMS AND DATABASES
of May 6, 1994
(as amended and updated on April 5, 2002)

This Law shall govern the relations arising in connection with the creation, legal protection and use of computer programs and databases. Relations in the field of legal protection for computer programs and databases in the Republic of Karakalpakstan shall also be regulated by the legislation of the Republic of Karakalpakstan.

Article 1. Basic concepts

The basic concepts used in this Law shall be:

- database means a collection of data (for example, articles or calculations) expressed objectively and systematized such that these data can be found and processed using computers;

- computer program means a collection of data and commands expressed objectively and designed for the functioning of computers, computer networks and other computer devices in order to achieve the results defined;

- source text means a text written in a particular programming language not subject to reprocessing by a particular compiler;

- subject code means a program obtained as a result of a source text being converted into machine code;

- computer decompilation program means a technical method including the conversion of a subject code into a source text in order to study the structure and encoding of a computer program;

- adaptation of a computer program or database means making amendments exclusively for the purposes of computer program or database operations in the specific conditions created, and not entailing the possibility of change (as a result of decompilation) in an author's source text;

- modification (reprocessing) of a computer program or database means any changes thereto, which do not constitute adaptation but entail a change in the source text;

- reproduction of a computer program or database means the production of one or more copies of the computer program or database in any material form, and also their recording in the computer memory;

- distribution of a computer program or database means the provision of access to a computer program or database reproduced in any material form, including by network and other means, as well as by means of sale, hire, rental, and loan provision, including import for any of these purposes;

making publicly available (publishing) a computer program or database means the provision of copies of the computer program or database, with the author's consent, to an undefined number of persons (including by means of recording in the computer memory and issue of a printed text);

- use of a computer program or database means the public provision, reproduction, distribution and other acts relating to their introduction into public circulation (including in modified form). Transmission by the mass media of communications relating to a computer program or database made publicly available shall not be recognized as use of the computer program or database;

- rights owners means an author, his heirs and also any natural or legal persons who possess exclusive personal and proprietary rights obtained under the law or by agreement.

Article 2. International treaties and agreements

If international treaties or agreements to which the Republic of Uzbekistan is a party contain provisions other than those envisaged by this Law, the provisions of the international treaty or agreement shall apply.

Article 3. Subject of legal protection

Computer programs and databases shall relate, through this Law, to subjects of copyright.

Copyright shall extend to any computer programs and databases which are the result of the authors' (joint authors') creative activity, be they publicly available or not, expressed objectively, and irrespective of their purpose and value.

The copyright for a computer program or database shall be assumed until such time as proof to the contrary is provided. The legal protection granted by this Law shall:

- extend to all types of computer programs (including operating systems and software), which may be expressed in any programming language and in any form, including a source text and subject code, and also to databases which are the result of creative labor relating to data selection and organization;

- not extend to ideas and principles on which computer programs or databases, or any of their elements, are based, including interface and algorithm organizational ideas and principles, as well as programming languages.

Article 4. Conditions for recognition of copyright on computer programs or databases

Copyright on a computer program or database shall arise as a result of the creation of such a page. For the recognition and enforcement of the copyright on a computer program or database, there shall be no registration requirement, nor shall there be a need to observe other formalities.

Copyright on a database consisting of materials (works) not constituting copyright subjects shall belong to the persons who created the database.

Copyright on a database comprising materials constituting copyright subjects shall be recognized, provided that the copyright on each material of that kind is observed.

Copyright on each of the materials included in a database shall be preserved. These materials may be used independently of such a database.

Copyright on a database shall not prevent other persons from selecting independently and organizing the materials and works forming part of this database. For notification purposes with regard to his rights, a rights holder may, from the time a computer program or database is first made publicly available, use a copyright protection sign consisting of three elements: the letter C in a circle or in round brackets, the title (name) of the rights holder, and the year the computer program or database is first made publicly available.

Copyright on a computer program or database shall not be connected to the right of ownership on the carrier of such a program. Any transfer of rights to a material holder shall not entail the transfer of the author's powers to computer programs or databases.

Article 5. Period of copyright validity

The period of validity of the copyright on computer programs and databases shall be determined in accordance with the copyright standards provided for by legislation.

Article 6. Authorship, personal and proprietary rights

The authorship of a computer program or database, and also the personal and proprietary rights of an author(s) or other rights holder shall be determined in accordance with the legislation in force.

The exclusive right to enforce and/or authorize modification of a computer program or database, including the translation of the computer program or database from one programming language to another shall also belong to the author(s) of the computer program or database or other rights holder.

Article 7. Transfer of proprietary rights

The proprietary rights to a computer program or database may be transferred in full or in part to other natural or legal persons by agreement. The agreement shall be concluded in writing and shall establish the following major conditions: scope and methods of use of the computer program or database, procedure for payment and level of remuneration, period of validity of the agreement.

The proprietary rights to a computer program or database shall be transferred by right of succession subject to the procedure established by law.

Article 8. Proprietary rights to a computer program or database, created in the course of employment

The proprietary rights to a computer program or database, created in the course of employment or at an employer's request, shall belong to the employer unless otherwise provided for by agreement between the employer and author.

The procedure for payment and level of remuneration shall be established by agreement between the author and employer.

Where an organization or enterprise (irrespective of the form of ownership) possessing the proprietary rights to a computer program or database is reorganized, disbanded or liquidated, all proprietary rights may, according to a court or liquidation commission decision, be correspondingly transferred to an author(s), the State or other legal successor.

Article 9. The right to registration and registration of computer programs and databases

The right to register a computer program or database shall be held by natural or legal persons of the Republic of Uzbekistan and other States, who, in relation thereto, possess all personal and proprietary rights in accordance with agreement. A rights holder shall, either directly or through his representative, enter in the State Register of Program Products or the State Register of Databases (hereinafter – the Register) a computer program or database by filing an application with the State Patent Office of the Republic of Uzbekistan (hereinafter – Patent Office).

An application for official registration of a computer program or database (hereinafter – application for registration) shall relate to a single computer program or database. The rules for drafting an application for registration shall be determined by the Patent Office.

Once it has received an application for registration, the Patent Office shall verify that the requisite documents are present and that they comply with the rule requirements. Where the verification is successful, the Patent Office shall enter the computer program or database in the appropriate register, issue the applicant with a certificate of official registration, and publish information on registered computer programs and databases in the Patent Office official gazette.

At the request of the Patent Office or at his own initiative, an applicant may, prior to the publication of information in the official gazette, update, clarify and amend the application documents. Where the verification is unsuccessful, the Patent Office shall issue the applicant with a document attesting to the refusal to grant official registration.

The official registration procedure, forms of official registration certificates and content of the data indicated therein shall be established by the Patent Office. The Patent Office shall also draw up a list of the information to be published in the official gazette.

An agreement concerning the full assignment of all the proprietary rights to a registered computer program or database shall be subject to registration with the Patent Office. Agreements on the transfer of proprietary rights to a computer program or database may be registered with the Patent Office, by agreement between the parties.

Information entered in the Register shall be considered authentic until such time as proof is provided to the contrary. Liability for the authenticity of the information in question shall be borne by the applicant.

Patent fees shall be levied for the performance of legally significant acts connected with the registration of computer programs or databases and the registration of agreements to transfer rights for the use of computer programs and databases. The patent fees shall be paid

to the Patent Office to cover its expenditure incurred in carrying out the functions provided for by this Law. The levels of and procedure for payment of the patent fees shall be established by the Cabinet of Ministers of the Republic of Uzbekistan.

Article 10. Registration of a computer program or database in other States

Natural and legal persons of the Republic of Uzbekistan may register a computer program or database in other States or register such a program internationally.

A computer program or database shall be registered in other States by natural and legal persons of the Republic of Uzbekistan, once an application has been filed with the Patent Office.

Article 11. Use of a computer program or database by agreement with the rights holder

Use of a computer program or database by third parties (users) shall be undertaken on the basis of an agreement with the rights holder, excluding the cases indicated in Article 13 of this Law.

In case of the sale of computer programs and databases, or the provision for mass users of access thereto, it shall be possible to apply a special procedure for concluding contracts, in particular by drafting model conditions for an agreement on sold copies of the computer programs and databases.

Article 12. Free reproduction and adaptation of a computer program or database

A person who lawfully owns a computer program or database may, without obtaining additional authorization from the rights owner, carry out any acts in connection with the functioning of the computer program or database, in accordance with its purpose, including recording and storage in the computer memory, and also the correction of obvious mistakes. Recording and storage in the computer memory shall be permitted in relation to a single computer or single network user, unless otherwise provided for by agreement with the rights holder.

A person who lawfully owns a copy of a computer program or database may, without the consent of the rights holder and without payment thereto of additional remuneration (unless otherwise provided for by agreement), carry out the following acts: adapt the computer program or database; manufacture or commission the manufacture of a copy of the computer program or database, provided that this copy is intended solely for archive purposes and where necessary (where the original computer program or database has been lost, destroyed or has become unusable) for the replacement of the lawfully acquired copy. In that regard, the copy of the computer program or database may not be used for purposes other than those indicated above, and shall not be destroyed where further use of this computer program or database ceases to become lawful.

A person who lawfully owns a copy of a computer program may decompile it for the purposes of studying the encoding and structure of this program, provided that written consent has been obtained from the author or other rights holder, or without such consent, if:

- the information, obtained as a result of this decompilation and required for the sake of compatibility of the computer program produced independently by the person in question with other programs, cannot be accessed from other sources;
- decompilation is carried out in relation only to those parts of the computer program which are required for arranging such compatibility;
- the information obtained as a result of this decompilation may not be used for the purposes of developing, producing or distributing the computer program that is essentially similar in terms of its expression to the decompiled computer program, or for carrying out any other act infringing copyright.

Article 13. Free resale of a copy of a computer program or database

The resale or transfer by other means of the right of ownership, or of other material rights, to a copy of a computer program or database, following the first sale or other transfer of the right of ownership to this copy, shall be permitted without the consent of the rights holder and without payment thereto of additional remuneration.

Article 14. Copyright protection

The author of a computer or database program and other rights holders may demand:

- recognition of rights;
- re-establishment of the situation existing up to the infringement of a right and termination of the acts infringing the right, or creating a threat to infringe it;
- compensation for the damages sustained, which shall include the sum of the income unlawfully obtained by the infringing party;
- payment by the infringing party, who has made a profit, of compensation as opposed to reimbursement for the damages sustained, at a level considered appropriate by the relevant court, ranging from twenty to one thousand minimum wages;
- taking of other measures, provided for by legislative acts, connected with the protection of their right.

The author of a computer program or database and other rights holders may apply to the corresponding court for protection of their right.

A court may decide to confiscate copies of a computer program or database, manufactured in violation of a copyright, and decide to destroy those copies. Materials and equipment used to reproduce such copies of a computer program or database may, on a court decision, be transferred to budgetary income or, at his request, to a claimant as compensation for damages.

Article 15. Copyright infringement

The failure of a natural or legal person to meet the requirements of this Law in relation to the exclusive rights of rights holders shall constitute an infringement of copyright.

The public provision under another name of a computer program or database, or the unlawful reproduction or distribution of such works shall incur administrative or criminal liability, in accordance with the procedure established by legislation.

Copies of a computer program or database, the manufacture or use of which entails the infringement of copyright, shall be subject to withdrawal in accordance with the procedure established by legislation.

Article 16. The rights of foreign natural and legal persons

Foreign natural and legal persons shall enjoy the rights provided for by this Law, on an equal basis with natural and legal persons of the Republic of Uzbekistan or on the basis of the principle of reciprocity.

President of the Republic of Uzbekistan

I. KARIMOV