

UZBEKISTAN

**Law on Copyright and Neighboring Rights\***

TABLE OF CONTENTS\*\*

	<i>Article</i>
I. General Provisions	
Basic Concepts .....	1
Legislation of the Republic of Uzbekistan on Copyright and Neighboring Rights .....	2
International Treaties .....	3
II. Copyright	
Scope of Copyright .....	4
Works Protected by Copyright (Subject Matter of Copyright) .....	5
Subject Matter of Copyright .....	6
Parts of a Work and Derived Works .....	7
Works and Comparable Results of Human Activity that Are Not Protected by Copyright .....	8
Rights in Designs for Official Documents, Emblems and Signs .....	9
Author of the Work. Presumption of Authorship .....	10
Works of Joint Authorship .....	11
Authors of a Film .....	12
Authors of Derived Works .....	13
Authors of Interviews .....	14
Rights of Persons who Organize the Creation of Works Reserved Rights Notice .....	15
Moral Rights of the Author .....	16
Right of Authorship .....	17
Right to be Named .....	18
Right to the Integrity of the Work .....	19
Right of Publication of the Work .....	20
Right of Exploitation of the Work .....	21
Deposit of the Work .....	22
Transfer of the Right of Exploitation of the Work .....	23
Right of Access to a Work of Fine Art .....	24
Limitation of the Author's Rights .....	25
Reproduction of Another's Work for Personal Reasons Free Use of Works Subject to the Naming of the Author Use of Works by Reprographic Reproduction .....	26
Free Use of Works Permanently Located in Public Places Free Public Performance of Works .....	27
Free Reproduction of Works for Judicial Purposes .....	28
Free Recording of Works by a Broadcasting Organi- zation for Ephemeral Use .....	29
Limitation of the Rights of the Possessor of a Copy of a Computer Program or Database .....	30
Copyright in Works Created in Employment .....	31
Effect of Copyright on the Territory of the Republic of Uzbekistan .....	32
	33
	34
	35
	36

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Coming into Effect of Copyright .....	37
Term of Copyright .....	38
Passage into the Public Domain .....	39
Authors' Contracts .....	40
Provisions Governing Authors' Contracts .....	41
Form of the Author's Contract .....	42
Sanction for Failure to Abide by the Author's Contract .....	43
Term of the License Contract .....	44
Management of Copyright .....	45
Sanction for Unlawful (Extra-Contractual) Exploitation of a Work .....	46
III. Neighboring Rights	
Subject Matter of Neighboring Rights .....	47
Beneficiaries of Neighboring Rights .....	48
Reserved Rights Notice .....	49
Rights of the Performer .....	50
Effect of the Rights of the Performer .....	51
Exploitation of the Performance .....	52
Transfer of the Right of Exploitation of the Performance .....	53
Rights of the Maker of the Recording of a Performance .....	54
Remuneration Payable to the Performer for Use of a Recording .....	55
Effect of the Rights of the Maker of the Recording of a Performance .....	56
Rights of Broadcasting Organizations .....	57
Effect of the Rights of the Broadcasting Organization .....	58
Rights of the Cable Distribution Organization .....	59
Limitations on the Rights of the Performer, the Maker of the Recording of a Performance and the Broadcasting or Cable Distribution Organization .....	60
Sanction for Failure to Fulfill the Contract for Exploitation of the Subject Matter of Neighboring Rights and for Unlawful-Extra-Contractual - Exploitation of a Work .....	61

## I. General Provisions

### *Basic Concepts*

*Art. 1.* For the purposes of this Law, the terms mentioned below relate to the following concepts:

“author” means the natural person whose creative work has brought about the creation of a work;

“recording” means the fixation, by technical means, of sounds or images or both in a material form whereby they may be repeatedly perceived, reproduced or communicated;

“performer” means the actor, singer, musician, dancer or any other person who performs, sings, recites, declaims, plays on a musical instrument or in any other way executes a literary or artistic work (including variety or circus acts or puppet shows), and also the director or maker of the show and the orchestra conductor;

“publication” (disclosure) means the circulation of copies of a work or phonogram in sufficient quantity to meet the needs of the public, having regard to the nature of the work or phonogram;

“work of applied art” means a two-dimensional or three-dimensional artistic work applied to objects in-

tended for practical use, whether a work of handicraft or a work produced by means of an industrial process;

“phonogram” means any recording exclusively of the sounds of a performance or of other sounds;

“copy of a work” means the original or a reproduced copy of the work, regardless of the material form in which it is made;

“copy of a phonogram” means the original or a reproduced copy of a phonogram on any physical medium, made either directly or indirectly from the phonogram and incorporating all or some of the sounds fixed thereon.

### *Legislation of the Republic of Uzbekistan on Copyright and Neighboring Rights*

*Art. 2.* The legislation of the Republic of Uzbekistan on copyright and neighboring rights shall govern the intellectual property relations that come into being on the creation and exploitation of scientific, literary and artistic works (copyright) and on the creation and exploitation of performances, phonograms and the programs of broadcasting or cable distribution organizations (neighboring rights).

### *International Treaties*

Art. 3. Where an international treaty to which the Republic of Uzbekistan is party lays down rules different from those contained in the legislation of the Republic of Uzbekistan on copyright and neighboring rights, the provisions of the international treaty shall prevail.

## **II. Copyright**

### *Scope of Copyright*

Art. 4. Copyright extends

- to works published or having an objective existence on the territory of the Republic of Uzbekistan, regardless of the nationality of the authors or of their successors in title;
- to works published or having an objective existence beyond the borders of the Republic of Uzbekistan, to whose authors (and to the successors in title of whose authors) it is granted where they are nationals of the Republic of Uzbekistan;
- to works published or having an objective existence beyond the borders of the Republic of Uzbekistan to whose authors (and to the successors in title of whose authors) it is granted under international treaties to which the Republic of Uzbekistan is party where they are nationals of other States.

A work shall be deemed initially published on the territory of the Republic of Uzbekistan if it has been published there within 30 days prior to the date of its first publication abroad.

Where protection is accorded to a work on the territory of the Republic of Uzbekistan under international treaties to which the Republic of Uzbekistan is party, the authorship of the work shall be determined according to the legislation of the State on whose territory the legal act or fact giving rise to the ownership of copyright occurred.

### *Works Protected by Copyright (Subject Matter of Copyright)*

Art. 5. Copyright extends to those scientific, literary and artistic works that are the result of creative effort, whatever their purpose and merit and regardless of their form of expression.

The work must be expressed in an objective form – whether oral, written or other – whereby it may be perceived.

A work expressed in written form or fixed in any other way on a physical medium (manuscript, typescript, musical score, recording made by means of technical devices, including sound or visual recording, fixing of an image in two or three dimensions, etc.) shall be deemed to have an objective existence whether or not it has been made accessible to third parties.

An oral or other work that has not been fixed on a physical medium shall be deemed to have an objective existence if it has been made perceptible to third parties (by public recitation, public performance, etc.).

Published and unpublished works are protected in the same way by copyright.

Ideas, concepts, principles, systems, proposed solutions or discoveries of objective phenomena may not be protected by copyright.

Copyright comes into being without the work having to be registered or any other formality complied with.

### *Subject Matter of Copyright*

Art. 6. The following are protected by copyright:

- literary works (works of literature and of scientific, educational, advertising or journalistic character, etc.);
- dramatic works and works involving a scenario;
- musical works with or without accompanying text;
- dramatico-musical works;
- choreographic and mimed works;
- audiovisual works (cinematographic, television and video films, slide shows and other cinematographic and television productions) and broadcast works;
- works of painting and sculpture, graphic works and design works and other works of figurative art;
- works of applied art and works of stage design;
- works of architecture, city planning and landscaping;
- photographic works and works obtained by processes analogous to photography;
- geographical, geological and other maps, plans, sketches and other works relating to geography, topography and other sciences;
- computer programs of all types, including application software and operating systems;
- other works corresponding to the criteria set forth in Article 5 of this Law.

### *Parts of a Work and Derived Works*

Art. 7. Parts of a work, titles of works and derived works corresponding to the criteria specified in Article 5 of this Law are protected by copyright.

The following belong to the category of derived works:

- works constituting a transformation of other works (adaptations, annotations, analyses, summaries, reviews, screenplays, arrangements of music and other transformations of scientific, literary and artistic works);
- translations;
- collections (encyclopedias, anthologies, databases) and other composite works that are the result of creative effort by virtue of the selection or arrangement of their subject matter.

Derived works are protected by copyright regardless of whether or not the works on which they are based or which they include are themselves protected by copyright.

*Works and Comparable Results of Human Activity  
that Are Not Protected by Copyright*

Art. 8. The following are not protected by copyright:

- official documents (laws, decrees, rulings, etc.) and official translations thereof;
- emblems and official signs (flags, armorial bearings, decorations, monetary signs, etc.);
- works of folklore;
- communications of news of the day or communications concerning events having the character of everyday journalistic information;
- results obtained by means of technical devices intended for a production of a particular type without the involvement of human creative effort directly applied to the creation of an individual work.

*Rights in Designs for Official Documents,  
Emblems and Signs*

Art. 9. The copyright in a design for an official document, emblem or sign belongs to the person who developed the design (creator).

The creator of a design for an official document, emblem or sign has the right to publish that design unless he is prohibited from doing so by the organization on behalf of which it has been created. The creator has the right to be named when the design is published.

The commissioning organization may use the design to make an official document without seeking authorization from the creator if the latter has published the design or handed the design over to it.

When an official document, emblem or sign is made from a design, the organization that makes the official document, emblem or sign shall be free to elaborate on or modify the design as it sees fit.

Once the design has been approved by the commissioning organization, it may be used without any mention of the creator's name.

*Author of the Work. Presumption of Authorship*

Art. 10. The author of a work is the natural person through whose creative effort the work comes into being.

In the absence of proof to the contrary, the person named as the author on the initial publication of the work shall be considered the author thereof.

Where a published work is anonymous or pseudonymous (except where the pseudonym leaves the identity of the author in no doubt), the publisher whose name appears on the work shall, in the absence of proof to the contrary, be presumed to represent the author, and is entitled to defend and exercise the author's rights. This

provision shall remain in force until such time as the author of the work reveals his identity and asserts his authorship.

*Works of Joint Authorship*

Art. 11. The copyright in a work that is the result of joint creative effort on the part of two or more persons shall belong jointly to the co-authors, regardless of whether the work constitutes an indivisible whole or is composed of parts of which each has a significance of its own.

A part of a work shall be regarded as having a significance of its own if it is capable of being exploited independently of the other parts of the same work.

Unless otherwise agreed between the co-authors, each of them may exploit as he sees fit the part of the work created by him that has a significance of its own.

The relations between co-authors shall normally be governed by contract. In the absence of such a contract, the copyright in the work shall be exercised jointly by all the co-authors, and the corresponding remuneration shall be divided equally between them.

Where the work of the co-authors is an indivisible whole, none of the co-authors has the right to prohibit exploitation of the work without good reason.

*Authors of a Film*

Art. 12. The following shall be recognized as authors (co-authors) of a cinematographic, television or video film as a whole:

- the director or maker;
- the author of the scenario;
- the author of the musical work (with or without words) specially composed for the audiovisual work;
- the director of the photography.

The authors of other works used in the film may also be included among the co-authors by virtue of an agreement concluded with those mentioned.

Each of the authors of works used in the film, whether those works already existed or have been created in the course of the making of the film, shall retain the authorship of his work if it has a significance of its own, independently of the authorship of the film as a whole.

*Authors of Derived Works*

Art. 13. Those persons shall be recognized as authors of derived works who engage in the transformation of pre-existing works, and also translators and compilers of collections and other composite works.

The author of a derived work has copyright in that work, subject to the rights of the author of the work that has been transformed or translated or of any work included in a composite work.

Notwithstanding the copyright of the creators of derived works, third parties may make derived works of their own on the basis of the same works.

#### *Authors of Interviews*

*Art. 14.* The copyright in the recording of an interview shall belong to the person who granted the interview and to the person who conducted it and made the recording thereof; unless otherwise provided in a contract concluded between those persons, they have the status of co-authors of the interview.

The recording of the interview may only be published or disseminated with the authorization of the person who granted the interview.

#### *Rights of Persons who Organize the Creation of Works*

*Art. 15.* Persons who organize the creation of works (editors of encyclopedias, film producers, etc.) shall not be recognized as authors of the works themselves. However, in the cases provided for in this Law or in other laws, those persons shall be invested with exclusive exploitation rights in relation to the works.

The exclusive right to exploit encyclopedias, encyclopedic dictionaries, collections of scientific works-published either in installments or in one volumenewspapers, magazines and other periodical publications belongs to the publisher thereof. The publisher has the right to state his name or demand to be named in connection with any exploitation of the said publications.

The authors of the works included in the said publications retain the exclusive right to exploit their works, unless otherwise provided in the contract concluded for the creation of the work.

The conclusion of a contract for the making of an audiovisual work, including a film, shall not constitute assignment to the producer of the work by its authors of the exclusive rights of reproduction, distribution, public performance, communication to the public by cable, broadcasting or any other form of public exploitation of the work, or of the right to subtitle or dub a film, except where the contract provides otherwise. The rights in question shall have effect throughout the term of the copyright in the audiovisual work.

The producer of a film has the right to state his name or demand to be named in connection with any exploitation of the work.

In the case of the public showing of a film, the author of the musical work (with or without words) retains the right to receive remuneration for the public performance of his musical work.

The final version of a film (original recording) may not be destroyed without the agreement of the author and of any owner of economic rights in the film.

#### *Reserved Rights Notice*

*Art. 16.* The owner of an exclusive author's right may, in order to make that right known, make use of a reserved rights notice which shall be placed on each copy of the work; it shall consist of the following three elements:

- a circled letter C;
- the name of the owner of the exclusive rights;
- the year of first publication of the work.

In the absence of proof to the contrary, the person whose name appears in the reserved rights notice shall be considered the owner of the copyright.

#### *Moral Rights of the Author*

*Art. 17.* The author has the following moral rights:

- the right of authorship;
- the right to be named;
- the right to the integrity of the work.

Any agreement concluded by the author or any statement by the author in which he renounces the exercise of his moral rights shall be null and void.

#### *Right of Authorship*

*Art. 18.* The right of authorship that belongs to the author (co-authors) of the work shall preclude a third party from being recognized as the author of the same work.

#### *Right to be Named*

*Art. 19.* The author has the exclusive right to exploit his work or authorize the exploitation thereof under his own name or a pseudonym or anonymously (right to be named).

#### *Right to the Integrity of the Work*

*Art. 20.* The author has the exclusive right to make amendments or additions to his work and to defend it against the making of any amendments or additions not authorized by him (right to the integrity of the work).

On the publication or performance or any other public exploitation of the work, the making of any amendment either to the work itself or to its title, or the naming of the author, shall be possible only with the consent of the latter.

The addition of illustrations, prefaces, postfaces, comments or explanations of any kind to the work on publication shall be subject to the absolute requirement of author's consent.

After the author's death, the defense of the integrity of the work shall be taken care of by the person who has been designated by testamentary provision or, in the absence of such designation, by the author's heirs and also by the persons responsible according to the law for the protection of the rights of authors.

#### *Right of Publication of the Work*

Art. 21. The author has the right to make his work accessible to an unspecified public (right of publication).

A work shall be considered published when it has first been made accessible to an unspecified public by the author or with his consent by means of publication, public performance or public showing or by any other means of disclosure.

The author has the right to go back on his earlier decision to publish the work (right to disavow or withdraw), subject to indemnification of any persons who have acquired the right to exploit the work for the prejudice caused to him – including unrealized income – caused by such a decision. If the work has already been published, the author is obliged to make a public notification of withdrawal. He has the right to withdraw from circulation, at his own expense, any copies of the work that have already been manufactured.

Unless otherwise specified in the contract concluded with the author, these provisions shall apply also to works created in the course of employment.

#### *Right of Exploitation of the Work*

Art. 22. The author has the exclusive right to exploit the work in all forms and by all means. Exploitation of the work shall be taken to mean the reproduction and dissemination and also other forms of use thereof, including:

- presentation of the work to the public (by display, exhibition, etc.);
- rental of copies of the physical medium incorporating the work;
- public performance of the work;
- broadcasting of the work (transmission by radio or television), including cable distribution or satellite transmission thereof;
- recording of the work by technical means;
- communication of a technical recording of the work, including by radio or television;
- translation or transformation of the work with a view to subsequent exploitation;
- practical implementation of a city planning, architectural or design project.

Reproduction means the fact of again giving the work objective form, albeit the form of the original (publication of a work, copying of a sound or visual recording, etc.).

Dissemination of the work means the sale, rental or exchange of the work or any other operation involving copies thereof, including importation.

After a first lawful assignment, the copies of a work may be subsequently disseminated without the consent of the author and without payment of remuneration to him, except in the cases provided for in this Law.

A work shall be deemed exploited regardless of whether or not the use made of it is for profit-making purposes.

The carrying out of instructions included in a work (inventions or other solutions of technical, economic, administrative or other character) shall not constitute exploitation of the work within the meaning of copyright.

#### *Deposit of the Work*

Art. 23. The deposit of the manuscript, or where appropriate of the work incorporated in a physical medium, including a mechanical medium, shall attest the exploitation of the work, on condition that the deposit is effected at a custodial institution (depository organization) that is open to all and allows any person to obtain a copy of the work by applying to that depository organization, under a contract concluded with the latter.

The deposit of the work shall be effected on the basis of a contract concluded by the person who holds the right of exploitation of the work (the owner) with the depository organization, which contract shall determine the conditions governing the use of the work. That contract, and those concluded by the depository organization with users, shall be made public.

#### *Transfer of the Right of Exploitation of the Work*

Art. 24. The author or other owner has the right to assign the exploitation rights in the work to a third party under a contract which may be concluded on the occasion of a public sale (assignment of the right of exploitation).

The right of exploitation of a work shall be transferable by succession according to the provisions of ordinary legislation.

The owner may authorize a third party (under a license) to exploit the work within specified limits. Such authorization is necessary for exploitation of the work both in its original form and in an altered form, after translation or arrangement in particular.

Every mode of exploitation of the work shall require special authorization by the owner.

#### *Right of Access to a Work of Fine Art*

Art. 25. The author of a work of fine art has the right to demand of the owner of the work the possibility of exercising his right of reproduction in relation to his work (right of access). However, the owner of the work may not be obliged to deliver the work to the author for that purpose.

#### *Limitation of the Author's Rights*

Art. 26. The exclusive rights of the author or of other owners with respect to exploitation of the work may only be limited in the cases provided for in Articles 17 to 21 of this Law or in other laws.

The limitations so defined shall apply subject to their not being unduly prejudicial to the normal exploitation of the work and not unjustifiably prejudicing the legitimate interests of the author.

*Reproduction of Another's Work  
for Personal Reasons*

Art. 27. The use for personal reasons of another's work that has been disclosed is authorized without the consent of the author and without payment of remuneration, provided that such use does not adversely affect the normal exploitation of the work or prejudice the author's legitimate interests.

The rule set forth in the first paragraph of this Article shall not apply

- to the use of works of architecture in the form of buildings and comparable structures;
- to the use of databases or of substantial parts of databases;
- to the use of computer programs, except in cases provided for in the Law;
- to the reproduction of books (in their entirety) and of musical scores.

Notwithstanding the provisions of the first paragraph of this Article, the law may provide that, where sound or visual recordings are used for personal reasons, the author, the performer and the producer of the recording shall be entitled to remuneration.

Remuneration payable for reproduction shall be paid in the form of a percentage of the selling price by the manufacturers or importers of the equipment (sound recording equipment, video recorders, etc.) and of the recording material (tapes and cassettes for sound or video recordings, laser discs, compact discs, etc.) used for the reproduction.

*Free Use of Works Subject  
to the Naming of the Author*

Art. 28. The following are freely authorized, but subject to the naming of the author and a mention of the source of the borrowing, and on condition that the normal exploitation of the work is not adversely affected and the legitimate interests of the author are not prejudiced:

- the reproduction and dissemination of works for the purposes of research, criticism or information in the form of quotations (in the original language or in translation) from disclosed works, including in the form of extracts from newspaper or magazine articles, to the extent justified by the purpose of the quotation;
- the reproduction, recording by technical means and broadcasting of disclosed works by way of illustration in publications, radio or television broadcasts or sound or visual recordings of educational character, to the extent justified by the aim pursued;

- the reproduction in newspapers and the broadcasting of articles published in newspapers or magazines that relate to current political, economic, social or religious topics, or of broadcast works of the same nature, except where the author thereof has specifically prohibited such use;
- the reproduction in newspapers or the broadcasting of political speeches, addresses, lectures and other works of the same nature given in public, to the extent justified by the aim pursued;
- the reproduction, public showing or broadcasting, in the course of the reporting of current events, of works that are seen or heard in the course of such events, to the extent justified by the informatory purpose;
- the reproduction of disclosed works in Braille or by other means for the benefit of the blind, carried out without gainful intent, with the exception of works specially created for such forms of use.

*Use of Works by Reprographic Reproduction*

Art. 29. It is authorized without the consent of the author and without payment of remuneration, but subject to the naming of the author whose work is used and the mention of the source of the borrowing, to carry out the reprographic reproduction without gainful intent

- of a work, if such reproduction is done by a library or archive service and is intended to restore or replace lost or damaged copies or to make copies available to other libraries that for one reason or another have lost works from their own collections;
- of single articles or succinct works lawfully published in collections, newspapers or other periodical publications, or of short extracts from lawfully published written works (with or without accompanying illustrations), if the reproduction is done by a library or archive service and is intended to meet the demands of natural persons who will use the copies obtained for the purposes of study or research, or if the reproduction is done by an educational establishment and the copy made is intended for classroom use.

*Free Use of Works Permanently  
Located in Public Places*

Art. 30. The reproduction, broadcasting or communication to the public by cable of works of architecture, photographic works and works of fine art that are permanently located in public places is authorized without the consent of the author and without payment of remuneration. This rule shall not apply where the showing of the work constitutes the main purpose of the reproduction, broadcast or communication to the public by cable, or where the showing of the work is done for commercial purposes.

*Free Public Performance of Works*

Art. 31. The public performance of lawfully published musical works in the course of official or religious ceremonies and at funerals is authorized without the consent of the author and without payment of remuneration.

*Free Reproduction of Works for Judicial Purposes*

Art. 32. The use of works for the purposes of a judicial or administrative proceeding, to the extent justified by the aim pursued, is authorized without the consent of the author and without payment of remuneration.

*Free Recording of Works by a Broadcasting Organization for Ephemeral Use*

Art. 33. A broadcasting organization may, without the consent of the author or other owner of copyright and without paying additional remuneration, make an ephemeral recording of the work for which it has obtained the right of broadcasting, on condition that it makes the recording using its own facilities and for the purpose of its own broadcasts.

The organization shall be obliged to destroy the recording within the six months following the making thereof, except where a longer period has been agreed upon with the author of the work recorded. The recording may be preserved in official archives without the consent of the author of the work if it is of purely documentary character.

*Limitation of the Rights of the Possessor of a Copy of a Computer Program or Database*

Art. 34. The right of the person who is in possession of a copy of a computer program or database to reproduce or transform that computer program or database with a view to subsequent personal use shall be determined by a law.

*Copyright in Works Created in Employment*

Art. 35. The copyright in a work created in the course of the discharge of employment duties (work created in employment) shall belong to the author of the work.

The right to exploit the work created in employment according to the manner corresponding to the object of the duties and within the limits determined by those duties shall belong to the person for whom the work was created (employer), except where the contract concluded between the latter and the author provides otherwise. The employer shall have the right to assign the right of exploitation to a third party.

The contract concluded between the employer and the author may provide for the payment to the latter of remuneration for the use of the work created in employment, and set other conditions for that use.

On expiration of a period of ten years following the submission of the work, or sooner if so agreed with the employer, the right to exploit the work and collect the remuneration payable for the copyright shall revert entirely to the author, regardless of the terms of the contract concluded with the employer.

The right of the author to exploit the work created in employment in a form other than that corresponding to his employment duties shall not be subject to any limitation.

*Effect of Copyright on the Territory of the Republic of Uzbekistan*

Art. 36. The copyright in a work initially disclosed on the territory of the Republic of Uzbekistan, or in a work that has not been disclosed but the original of which has an objective existence on that territory, shall have effect on the territory of the Republic of Uzbekistan. It shall be accorded to the author, his heirs or his other successors in title, regardless of their nationality.

Copyright shall likewise be accorded to authors who are nationals of the Republic of Uzbekistan and whose works have been initially disclosed, or have an objective existence, on the territory of another State, and to the heirs and other successors in title of those authors.

Where legal protection is accorded to an author under international treaties, the event constituting disclosure on the territory of a foreign State shall be determined according to the provisions of the international treaty invoked.

For the purposes of the protection of a work on the territory of the Republic of Uzbekistan, the person to be recognized as the author of the work shall be determined according to the legislation of the State on the territory of which the work was initially protected.

*Coming into Effect of Copyright*

Art. 37. The copyright in a work shall come into effect as soon as the work is given an objective form that enables third parties to perceive it, whether or not it has been disclosed. The copyright in an oral work shall come into effect on the communication of the work to third parties.

The copyright in any work that is not governed by the provisions of Article 36 of this Law shall be protected as from the first publication of the work that occurs in the Republic of Uzbekistan.

*Term of Copyright*

Art. 38. Copyright shall have effect throughout the life of the author and for 50 years after his death; that period shall be calculated as from the first of January of the year following that of his death.

The copyright in a work of joint authorship shall have effect throughout the lives of the co-authors and for 50 years after the death of the last surviving co-author.



The copyright in a work initially disclosed anonymously or under a pseudonym shall have effect for 50 years as from the first of January of the year following that of the disclosure of the work. If, in the course of that period, the identity of the author of the anonymous or pseudonymous work is revealed, the periods specified in the first part of this Article shall apply.

Throughout the term of 50 years provided for in the first part of this Article, the copyright shall belong to the author's heirs and shall be transferred by succession. During the same periods, the copyright shall also belong to those successors in title who have acquired it by contract concluded with the author, his heirs or subsequent successors in title.

The copyright in a work the first disclosure of which occurred during the 50 years following the death of the author shall have effect for 50 years after the said disclosure. That term shall be calculated as from the first of January of the year following that of the disclosure of the work.

The right of authorship, the right to be named and the right to the integrity of the work shall be protected without limitation in time.

#### *Passage into the Public Domain*

*Art. 39.* On the expiration of the term of the copyright in a work, the work shall pass into the public domain.

Works that have never enjoyed protection on the territory of the Republic of Uzbekistan shall be regarded as being in the public domain.

Works in the public domain may be freely used by any person without payment of remuneration. However, the right of authorship, the right to be named and the right to the integrity of the work shall be respected.

#### *Authors' Contracts*

*Art. 40.* The author or his heir may transfer the right to exploit the work to a third party by concluding an author's contract. The author's contract shall be deemed concluded for consideration.

The author's contract may relate to a work already made or to one that the author undertakes to make (commission contract). A contract under which the author or his heir authorizes the exploitation of the work within specified limits (license contract) also constitutes an author's contract.

#### *Provisions Governing Authors' Contracts*

*Art. 41.* The author's contract shall specify

- the forms of exploitation of the work (the specific rights assigned or granted by the contract);
- the amount of remuneration or the procedure for the determination of that amount for each of the forms of exploitation of the work, and the procedure and time limits for the payment of remuneration.

Where the author's contract does not specify the period for which the right is assigned or granted, the author may terminate it on the expiration of a period of five years following its conclusion, subject to six months' advance notice served on the user in writing.

Where the author's contract does not specify the territory within the limits of which the right of exploitation of the work is exercised, the right to which the contract relates shall have effect on the territory of the Republic of Uzbekistan alone.

The author's contract may not relate to exploitation rights that are not known at the time of its conclusion.

The amount of remuneration payable for exploitation of the work shall be set down in the author's contract after agreement between the parties.

Any author's contract relating to publication or to another form of exploitation of a work in which the remuneration is to be calculated as a lump sum shall state the maximum print-run of the work.

Any renunciation of the right to remuneration on the part of the author or his heirs shall be null and void.

The rights assigned or granted by the author's contract may not be further assigned or granted to third parties, either entirely or in part, by either of the parties to the contract, except where the contract expressly so provides.

#### *Form of the Author's Contract*

*Art. 42.* Except in cases provided for by law, the author's contract shall be in written form.

#### *Sanction for Failure to Abide by the Author's Contract*

*Art. 43.* The party who does not discharge his obligations under the author's contract or does not discharge them in the agreed manner is obliged to compensate the other party for the prejudice caused to him, including unrealized income.

#### *Term of the License Contract*

*Art. 44.* The license contract shall have effect throughout its specified term, but may not exceed the term of the copyright.

Regardless of the term specified in the license contract, the author of the work or his heirs may unilaterally terminate the contract on expiration of a period of ten years following the conclusion thereof, subject to six months' advance notice served on the user in writing. This right shall be available to them every ten years.

The contract may set time limits for the exploitation of the work which, if not observed, entitle the owner of the copyright to terminate the contract.

### *Management of Copyright*

Art. 45. The owner of the copyright is free to exercise in person, as he sees fit, the rights that belong to him.

The management of authors' rights may only be exercised by a person other than the owner with the latter's agreement, and within the limits imposed by the mandate entrusted by him to that person, except in cases where the author is represented by a legal representative.

The owners of copyright and neighboring rights may create organizations which they entrust with the management of their rights. Those organizations shall represent the owners of copyright and neighboring rights within the limits of the mandate that the latter have entrusted to them by contract and within the limits of their competence. Organizations for the administration of copyright and neighboring rights shall operate under licenses issued to them by a public body designated by the Government of the Republic of Uzbekistan and subject to supervision by that body. They shall not have the right to exercise any commercial activity or engage in the exploitation of works.

Organizations for the administration of copyright and neighboring rights are obliged to accept the mandate of the owner of such rights who applies to them. They may discharge their duties under a membership contract drawn up by themselves. That contract may provide for repayment to the organization, by the owner, of expenditure incurred by it.

On the basis of the mandates entrusted to them by contract, the organizations for the administration of copyright and neighboring rights shall issue licenses to third parties (users) that authorize one or other form of exploitation of works or subject matter of neighboring rights. The procedures associated with such licenses are not required to be identical for all users in a given category, and the license may not be refused without valid reason.

In addition to the organizations mentioned in the third paragraph of this Article, any person qualified to do so in one capacity or another under the provisions of ordinary legislation may engage in the representation of owners of copyright and neighboring rights.

### *Sanction for Unlawful (Extra-Contractual) Exploitation of a Work*

Art. 46. Any person exploiting a work who is not party to a contract concluded with the owner of the copyright shall be bound to pay damages to the said owner, including for unrealized income. The owner may, instead of damages, demand that the offender pay back to him the proceeds from the infringement of his rights.

Exploitation of the work in a form not provided for in the author's contract, or after expiration of the said contract, shall be considered extra-contractual exploitation of the work.

## III. Neighboring Rights

### *Subject Matter of Neighboring Rights*

Art. 47. The subject matter of neighboring rights shall be productions, performances, sound or visual recordings of performances (fixed performances) and the programs of broadcasting or cable organizations.

### *Beneficiaries of Neighboring Rights*

Art. 48. The rights in a performance shall belong to the performers, to the director or maker and to the orchestra conductor, and also to their heirs. The exploitation rights in such performances may be assigned to third parties.

The rights in the recording of a performance shall belong to the person who made the recording or to his successors in title.

The rights in a broadcast shall belong to the broadcasting organization that made the broadcast or to its successors in title.

### *Reserved Rights Notice*

Art. 49. The producer of the recording of a performance and the performer may, in order to make their rights known, use a reserved rights notice which should be placed on each copy of the sound or visual recording or on each sleeve or box in which the recording is packaged; it shall consist of the following three elements:

- a circled letter P;
- the name of the owner of the exclusive neighboring rights;
- the year of first publication of the recording.

### *Rights of the Performer*

Art. 50. A performer has the following rights:

- the right to be named at the time of performances that make use of copies of the recording of his performance and in connection with any dissemination or public presentation thereof;
- the right to the protection of the performance against any distortion;
- the right to exploit the performance or authorize its exploitation.

The right to exploit the performance shall include the right to authorize:

- the broadcasting or cable distribution of the performance;
- the making of a recording of the performance by technical means;
- the dissemination and public presentation of a recording already made of the performance;
- the manufacture and distribution of copies of the recording of the performance.

Performers shall exercise their rights subject to respect for those of the authors of the works performed.

Limitations on the right to exploit the performance shall be laid down by law.

The provisions of Article 35 of this Law shall apply by analogy to the rights in a performance given in connection with the fulfillment of employment duties (performance in employment).

#### *Effect of the Rights of the Performer*

Art. 51. The rights of the performer in a performance first given on the territory of the Republic of Uzbekistan shall have effect on the territory of the Republic of Uzbekistan. They shall be accorded to the performer and to his heirs and other successors in title regardless of nationality. The same rights shall be accorded to the performer, and to his successors in title, where the first performance occurs on the territory of a foreign State.

The rights of the performer shall have effect as from the first recording or the first performance; their term shall be 50 years.

The right of the performer to be named and his right to protection against any distortion of his performance shall be protected without limitation in time.

#### *Exploitation of the Performance*

Art. 52. The performer and any other owners of rights in a performance are entitled to exercise those rights themselves as they see fit.

A third party may only exploit a performance with the authorization of the performer or other owner of neighboring rights by virtue of a contract concluded with him.

#### *Transfer of the Right of Exploitation of the Performance*

Art. 53. The owner may enter into a contract under which he assigns or grants his exploitation rights in the performance to a third party, including by the grant of an authorization (license) for the exploitation of the performance within specified limits.

The performer or his successor in title normally grants the license for exploitation of the performance for consideration. Special remuneration shall be payable to him for each form of exploitation.

Any renunciation of the right to remuneration shall be null and void.

#### *Rights of the Maker of the Recording of a Performance*

Art. 54. The maker of a sound, visual or audiovisual recording of a performance or his successor in title shall enjoy exclusive rights in that recording.

Exploitation of the recording by a third party shall require authorization by the maker of the recording or his successor in title.

The maker of the recording of a performance or his successor in title may carry out or authorize the following acts:

- public presentation of the recording;
- adaptation or other transformation of the recording;
- distribution of copies of the recording (by sale, rental, etc.), including sending them abroad;
- importation of copies of the recording.

Even where the property rights in the copies of the recording of a performance do not belong to him, the maker of the recording shall retain the exclusive right of exploitation, including commercial rental, of the said recording.

Limitations on the rights of the maker of the recording of a performance shall be laid down by law.

In exercising his rights, the owner of the rights in the recording of a performance shall take due account of the rights of the authors of the works and those of the performers.

#### *Remuneration Payable to the Performer for Use of a Recording*

Art. 55. The following are authorized without the consent of the maker of the recording of a performance that has been published for profit-making purposes or that of the performer whose performance is recorded, but subject to payment of remuneration:

- public communication of the recording;
- broadcasting of the recording;
- communication of the recording to the public by cable.

The collection, distribution and payment of the remuneration provided for in the first paragraph of this Article shall be carried out by organizations for the administration of copyright and neighboring rights (Article 45 of this Law).

The amount of the remuneration provided for in the first paragraph of this Article and the procedure for the payment thereof shall be determined by agreement between the user of the recording, or users' unions, on the one hand and organizations for the administration of copyright and neighboring rights on the other.

The amount of the remuneration shall be set for each type of use of the recording.

#### *Effect of the Rights of the Maker of the Recording of a Performance*

Art. 56. The rights of the maker of the recording of a performance shall have effect on the territory of the Re-

public of Uzbekistan if the said recording has been used publicly for the first time or if copies of that recording have been publicly distributed in the Republic of Uzbekistan.

The rights of the maker of the recording of a performance shall be accorded also to natural persons or legal entities of the Republic of Uzbekistan whose domicile or headquarters is located on the territory of the Republic of Uzbekistan.

The rights of the maker of the recording of a performance shall have effect as from the making of the recording; their term shall be 50 years.

#### *Rights of Broadcasting Organizations*

*Art. 57.* Broadcasting organizations have the exclusive right to exploit their broadcasts in any form and to authorize third parties to use them.

The use of the broadcast by third parties requires the conclusion of a contract. The owner shall have the right to remuneration for each type of use.

The broadcasting organization may

- broadcast its programs;
- authorize another broadcasting or cable distribution organization to broadcast its programs at the same time and rebroadcast them;
- make recordings of its broadcast programs;
- reproduce the recordings of its programs;
- distribute copies of the recordings so reproduced;
- authorize the transmission, simultaneous transmission and retransmission of its programs, and also the cable distribution of recordings thereof;
- broadcast or communicate its programs to the public in places where a charge is made for admission, or authorize third parties to carry out such broadcasting or communication.

Limitations on the rights of broadcasting organizations shall be laid down by law.

In exercising its rights, the broadcasting organization shall take due account of the rights of the authors of the works and those of the performers, and also, where applicable, those of the owners of rights in the recording of the performance and those of other broadcasting organizations.

#### *Effect of the Rights of the Broadcasting Organization*

*Art. 58.* The rights of the broadcasting organization shall have effect on the territory of the Republic of Uzbekistan if the organization has its headquarters on that territory and broadcasts its programs using transmitters located on that territory.

The rights of the broadcasting organization in the program shall have effect as from the first broadcast thereof; their term shall be 50 years.

#### *Rights of the Cable Distribution Organization*

*Art. 59.* The rights of the cable distribution organization shall be determined by analogy with those laid down by this Law for broadcasting organizations.

#### *Limitations on the Rights of the Performer, the Maker of the Recording of a Performance and the Broadcasting or Cable Distribution Organization*

*Art. 60.* It is permissible, without the consent of the performer, the maker of the recording of a performance and the broadcasting or cable distribution organization, and without payment of remuneration, for a performance, a broadcast or cabled program and recordings thereof, and reproductions of those recordings, to be used:

- by the insertion, in the reporting of a current event, of short extracts from the performance, the recording or the broadcast or cabled program;
- exclusively for educational or scientific research purposes;
- in the form of a quotation of short extracts from the performance, recording or broadcast or cabled program, on condition that the quotation is made for information purposes and that the broadcasting or cable distribution organization that uses copies of a recording published for commercial purposes for a broadcast or cabled program respects the provisions of Article 55 of this Law;
- in the other cases where this Law provides for the limitation of the economic rights of the authors of literary, scientific and artistic works.

It is permissible, without the consent of the producer of the phonogram and of the broadcasting or cable distribution organization, to make use of a broadcast or cabled program or a recording thereof and to reproduce a phonogram for personal use. Reproduction of the phonogram is permissible subject to the payment of remuneration under Article 27 of this Law.

The provisions of Articles 50, 54, 58 and 59 of this Law concerning the authorization of the performer, the maker of a recording of a performance and the broadcasting organization shall not be applicable to the making of an ephemeral recording of a performance or broadcast or to the reproduction of a recording published for commercial purposes if the recording or reproduction is done by a broadcasting organization using its own facilities and for the purposes of its own broadcasts, and on condition that

- the broadcasting organization has previously obtained authorization to broadcast the performance or program of which an ephemeral recording is made or reproduced under the provisions of this Article;
- the ephemeral recording is destroyed within the period fixed for ephemeral recordings of literary, scientific and artistic works (Article 33 of this

Law); however, a single copy may be preserved in official archives if it is of purely documentary character.

Application of the limitations provided for in this Article must not adversely affect either the normal exploitation of the performance or broadcast or cabled program or recording thereof, or the normal exploitation of the literary, scientific or artistic works incorporated therein, neither must it adversely affect the legitimate interests of the performer, the maker of the recording of a performance or the broadcasting or cable distribution organization or those of the authors of the works in question.

*Sanction for Failure to Fulfill the Contract  
for Exploitation of the Subject Matter  
of Neighboring Rights and for Unlawful –  
Extra-Contractual – Exploitation of a Work*

*Art. 61.* The party who fails to fulfill the contract for the exploitation of neighboring rights subject matter or does not discharge his obligations thereunder, in the agreed manner, or the person who unlawfully exploits a work without being party to a contract for such exploitation, shall be liable according to the rules of ordinary legislation concerning the fulfillment of contractual obligations or indemnification for prejudice caused.