

LAW OF THE REPUBLIC OF UZBEKISTAN

ON LEGAL PROTECTION OF COMPUTER PROGRAMMES AND DATABASES

This Law shall regulate relations related to the creation, legal protection and use of computer programmes and databases.

Relations in the field of legal protection of computer programmes and databases in the Republic of Karakalpakstan shall also be regulated by the legislation of the Republic of Karakalpakstan.

Article 1: Basic concepts

Basic concepts applied in this Law:

database — a set of data (for example: articles, calculations) expressed in an objective form and systematised in such a way that these data can be found and processed with the help of computer programmes;

computer programme — a set of data and commands expressed in an objective form and intended for functioning of computers, computer networks and other computer facilities with the purpose of obtaining a certain result;

source code — a text written in some programming language, which has not been processed by any compiler;

object code — a programme obtained as a result of converting the source text into machine code;

decompilation of a computer program — a technical technique that includes conversion of object code into source code in order to study the structure and coding of a computer program;

adaptation of a computer programme or database — additions made solely for the purpose of ensuring the functioning of a computer programme or database under specific conditions and not entailing the possibility of changing (subsequently decompiling) the author's source code;

modification (revision) of a computer programme or database — any changes thereof that are not adaptations and entail changes to the source code;

reproduction of a computer programme or database — making one or more copies of a computer programme or database in any material form, as well as their recording in the computer memory;

distribution of a computer programme or database — providing access to a computer programme or database reproduced in any material form, including by network and other means, as well as by selling, renting, leasing, lending, including import for any of these purposes;

release (publication) of a computer programme or database — provision of copies of a computer programme or database with the consent of the author to an indefinite number of persons (including by recording in the computer memory and issuing a printed text);

use of a computer programme or database — publication, reproduction, distribution and other actions for its introduction into economic turnover (including in a modified form). Mass media transmission of messages about the released computer programme or database is not considered as use of the computer programme or database.

Right holders — the author, his heir, as well as any natural or legal persons who possess exclusive personal and property rights obtained by virtue of law or contract.

Article 2: International treaties and agreements

If international treaties or agreements of the Republic of Uzbekistan establish provisions other than those provided for in this Law, the provisions of the international treaty or agreement shall apply.

Article 3: Object of legal protection

Computer programmes and databases shall be classified by this Law as objects of copyright.

Copyright shall apply to any computer programmes and databases, which are the result of the creative activity of the author (co-authors), whether released or not, expressed in objective form, irrespective of their purpose and value. The author's copyright on computer programmes and databases is presumed until the contrary is proved.

The legal protection granted by this Law:

extends to all types of computer programs (including operating systems and software complexes), which may be expressed in any programming language and in any form, including source code and object code, as well as to databases representing the result of creative work on selection and organisation of data:

does not extend to ideas and principles underlying a computer program or database or any element thereof, including ideas and principles of interface and algorithm organisation, as well as programming languages.

Article 4: Conditions for recognition of copyright in computer programmes or databases

Copyright in computer programmes and databases arises by virtue of their creation. No registration or other formalities shall be required for the recognition and exercise of copyright in a computer programme or database.

Copyright in a database consisting of materials (works) which are not objects of copyright belongs to the persons who created the database.

Copyright in a database comprising materials that are the copyright of another person is recognised provided that the copyright in each of such materials is observed.

Copyright in each of the materials included in the database is retained. These materials may be used independently of such database.

Copyright in a database does not prevent others from independently selecting and organising the materials and works included in that database.

The right holder may, starting from the first publication of a computer programme or database, use a copyright protection sign consisting of three elements: the letter C in a circle or in parentheses; the name of the right holder; and the year of the first publication of the computer programme or database.

Copyright on computer programmes or databases is not related to the ownership of their material storage medium. Any transfer of rights to the material storage medium does not entail the transfer of any copyright rights to the computer programmes or databases.

Article 5: Duration of copyright

The term of validity of copyright in computer programmes or databases shall be determined in accordance with the copyright norms stipulated by law.

Article 6: Authorship, personal and property rights

The authorship of a computer programme or data base, as well as the personal and property rights of the author (authors) or other right holder shall be determined in accordance with the legislation in force. The author (authors) of a computer programme or database or other right holder shall also have the exclusive right to carry out and (or) permit modification of the computer programme or database, including translation of the computer programme or database from one programming language to another.

Article 7. Transfer of property rights

Property rights to a computer programme or database may be transferred in whole or in part to other natural or legal persons under a contract. The contract shall be concluded in writing and shall establish the following mandatory conditions: the scope and methods of use of the computer programme or database, the procedure for payment and the amount of remuneration, and the term of validity of the contract.

Property rights to computer programmes or databases shall be inherited in accordance with the procedure established by law.

Article 8: Property rights to a computer programme or database created in the performance of work duties

Property rights to a computer programme or database created in the performance of work duties or on the employer's assignment shall belong to the employer, unless the contract between the employer and the author provides otherwise.

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

If an organisation or enterprise (irrespective of its form of ownership) that owns property rights to a computer program or database is reorganised, dissolved or liquidated, all property rights may be transferred to the author (authors), the state or another legal successor by court decision or the liquidation commission, respectively.

Article 9: Right to registration and registration of computer programmes and databases

The right to register a computer programme or database shall be vested in natural or legal persons of the Republic of Uzbekistan or other states, who possess all personal and property rights in respect thereof or only property rights in accordance with a contract. The right holder directly or through its representative may register a computer programme or database in the State Register of Computer Programmes or the State Register of Databases by submitting an application to the Intellectual Property Agency under the Ministry of Justice of the Republic of Uzbekistan (hereinafter referred to as the Agency).

The application for official registration of a computer programme or database (hereinafter referred to as the application for registration) shall relate to one computer programme or one database. The Agency shall determine the rules for registration application.

Upon receipt of the application for registration, the Agency shall verify the availability of the required documents and their compliance with the requirements of the rules. If the verification is positive, the Agency records the computer programme or database in the relevant Register, issues to the applicant a certificate of official registration and publishes information on registered computer programmes and databases in the official gazette of the Agency.

At the request of the Agency or on its own initiative, the applicant has the right to supplement, clarify and correct the application materials prior to the publication of information in the official gazette. In case of a negative result of the verification, the Agency issues to the applicant a document certifying the refusal of official registration.

The Agency establishes the procedure for official registration, forms of official registration certificates, and the composition of the data to be specified therein. The Agency also determines the list of information to be published in the official gazette.

Contracts on transfer of property rights to a computer programme or database may be registered with the Agency by agreement of the parties.

Information entered in the Register shall be considered reliable until the contrary is proved. The applicant is responsible for the authenticity of the said information.

A state duty is charged for the performance of legally valid actions related to the registration of computer programmes or databases and the registration of contracts on the transfer of property rights for the use of computer programmes and databases. The amount of the state duty for registration and the terms of its payment, the grounds for exemption from payment, reduction of the amount of the state duty or its refund, as well as the procedure for using the amount of the state duty for registration shall be established by law.

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

Legal and natural persons of the Republic of Uzbekistan shall have the right to register computer programmes or databases in other States or to register them internationally.

Article 11: Use of a computer programme or database under contract with the right holder

The use of a computer programme or database by other persons (users) shall be carried out on the basis of a contract with the right holder, except for the cases specified in Article 13 of this Law.

When selling computer programmes and databases or providing mass users with access to them, it is possible to apply a special procedure for concluding contracts, in particular, by stating the standard terms of the contract on the transferred copies of computer programmes and databases.

Article 12. Free reproduction and adaptation of computer programmes or databases

A person who legally owns a copy of a computer programme or database shall have the right, without obtaining additional permission from the right holder, to perform any actions related to the functioning of the computer programme or database in accordance with its purpose, including recording and storage in the computer memory, as well as correction of obvious errors. Recording and storage in the computer memory shall be allowed with respect to one computer or one user in a network, unless otherwise provided for in the contract with the right holder.

A person who legally owns a copy of a computer programme or database may, without the consent of the right holder and without payment of additional remuneration (unless otherwise provided for in the contract), carry out the following actions: adapt computer programmes or databases; make or commission the making of a copy of a computer programme or database, provided that this copy is intended for archival purposes only and if necessary (if the original computer programme or database is lost, destroyed or rendered unusable). At the same time, a copy of a computer programme or database may not be used for purposes other than those specified above and must be destroyed if further use of that computer programme or database ceases to be lawful.

A person who lawfully owns a copy of a computer programme may decompile it for the purpose of studying the coding and structure of that programme with or without the written consent of the author or other right holder if:

the information obtained as a result of decompiling and necessary for interaction of the computer programme independently developed by this person with other programmes is not available from other sources;

the decompilation is carried out with respect to only those parts of the computer program which are necessary for the organisation of such interaction;

the information obtained as a result of decompilation may not be used for the development, production or distribution of a computer programme substantially similar in its expression to the decompiled computer programme, or for any other action infringing copyright.

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

Resale or other transfer of ownership or other property rights to a copy of a computer programme or database after the first sale or other transfer of ownership of that copy shall be permitted without the consent of the right holder and without payment of additional remuneration to him.

Article 14. Protection of copyright

The author of a computer programme or data base and other right holders shall have the right to demand:

recognition of rights;

restoration of the situation that existed before the violation of the right and cessation of actions that violate the right or threaten to violate it;

compensation for damages caused, which shall include the amount of income unlawfully received by the infringer;

payment of compensation in lieu of damages by the infringer who makes a profit, in an amount to be determined at the discretion of the relevant court, ranging from twenty times to one thousand times the amount of the basic calculation unit;

taking other measures provided for by legislative acts related to the protection of their rights.

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

The court may order the confiscation of copies of a computer programme or database produced in violation of copyright and their destruction. Materials and equipment used for reproduction of such copies of a computer programme or database may, by court decision, be transferred to the budget or to the plaintiff at his request as compensation for damages.

Article 15. Infringement of copyright

Failure by a natural or legal person to fulfil the requirements of this Law with respect to the exclusive rights of right holders shall constitute a violation of copyright.

The release under another person's name of a computer programme or database or the illegal reproduction or distribution of such works shall entail administrative or criminal liability in accordance with the procedure established by law.

Copies of computer programmes or databases, the production or use of which entails infringement of copyright, shall be subject to seizure in accordance with the procedure established by law.

Article 16. Rights of foreign legal and natural persons

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

President of the Republic of Uzbekistan I. KARIMOV

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