

# LAW OF THE REPUBLIC OF UZBEKISTAN ON COPYRIGHT AND RELATED RIGHTS<sup>1</sup>

ACCEPTED BY THE LEGISLATIVE CHAMBER

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APPROVED BY THE SENATE

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## CHAPTER 1. GENERAL PROVISIONS

### Article 1. Aim of the Law

The aim of this law is the regulation of relations, arising in connection with creation and use of scientific, literary and artistic works (copyright), performances, phonogrammes, and transmissions of on-the-air and cable broadcasting organizations (related rights).

### Article 2. Legislation on Copyright and Related Rights

The legislation on copyright and related rights consists of this Law and other legislative acts.

If an international treaty of the Republic of Uzbekistan establishes rules other than those stipulated by the legislation of the Republic of Uzbekistan on copyright and related rights, then the rules of the international treaty shall be applied.

### Article 3. Definitions

The following terms are used in this Law:

**copy of work**- the copy of work, made in any material form;

**public display of the work** -display of original or copy of the work directly or on the screen by means of film, slide, programmes of television or other technical facilities in a place open to the general public or in a place attended by a substantial number of persons outside the usual family circle;

**disclosure of work** – an action by means of which a work is made available to the public for the first time with an author's consent by its publication, public display, public performance, on-air transmission or by the other way;

**audiovisual work** – a work that consists of a series of related images (whether or not accompanied by sound), meant for the visual and audio (in case of sound accompaniment) perception with the help corresponding hardware facilities, including the works of cinematography and all works products expressed by the facilities of similar cinema (TV-and video films, filmstrips, slide-films and other works), regardless of the method of their original or subsequent fixing;

**producer of audiovisual work**- a natural or legal person, who takes the initiative and responsibility for production of such work;

**dissemination to the public** - the communication of works or objects of related rights to the public by wire or wireless means in such a way that users of

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<sup>1</sup> This text was translated by AI translator and is not a valid juridical document. No claim.

telecommunications systems can access them from any place and at any time individually chosen by them;

**communication to the general public** — transmission of works or objects of related rights to the air, communication by cable, as well as their delivery by any other means (except for distribution of copies) to the aural and/or visual perception by the audience, whose representatives are not at the place of communication, regardless of whether the works or objects of related rights made available in this way are actually perceived;

**recording** — the fixing of sounds and/or images by means of technical facilities in any material form that allows their repeated perception, reproduction or communication;

**performance** — a presentation of a work (including a work of folk art), phonogramme, performance, stage productions by way of acting, recitation, singing or dancing, either live or by dint of technical facilities;

**performer** — an actor, singer, musician, dancer or other another person who plays in, sings, reads, recites, dances, interprets, plays a musical instrument or otherwise performs a work of literature or the arts, including an expressions of folklore, as well as the director/producer of a play and the conductor;

**communication via cable** — communication of works or objects of related rights to the public by cable, wire, or similar means;

**work of applied arts** — a two-dimensional or three-dimensional artwork, the originals or copies of which are used as objects of practical use or transferred to such objects, including a handicraft or an industrially manufactured work;

**database** — a set of data (articles, calculations, etc.), expressed in an objective form and systematized in such a way that the data can be retrieved and processed by electronic or other means (hereinafter — computers);

**author** — a natural person as a result of whose creative abilities a concrete work has been created;

**public performance** — public performing of works or objects of related rights to the aural and/or visual perception by means of a performance or any other form of communication, either directly or by means of any technical equipment or process, in a place open to the public or in a public place or in places where people are outside their usual family circle;

**renting** — making available for use, for commercial advantage, the original or copy of a work or an object of related rights;

**reprographic reproduction** — the facsimile reproduction in any size and form of one or more copies of the original written and other works or their copies by means photocopying or other technical facilities, excluding the reproductions of works of fine art are made using typesetters.

Reprographic reproduction does not include the storage or reproduction of said copies in digital form, except in cases of making temporary copies due to the peculiarities of the technical facilities used for reprographic reproduction;

**retransmission** — simultaneous broadcasting or communication via cable of one broadcasting or cablecasting organization to another broadcasting or cablecasting organization;

**reproduction** — making one or more copies of works or objects of related rights or their parts by any means and in any material form, including making one or more copies of a two-dimensional work in three dimensions and one or more copies of a three-dimensional work in two dimensions, the recording in the memory of a computer or other electronic devices;

**phonogram** — any exclusively audio recording of a performance or other, except an audio recording included in an audiovisual work;

**phonogram copy** — a copy of the phonogram in any material medium, made either directly or indirectly from the phonogram and including all or part of the sounds fixed in such a phonogram;

**producer of a phonogram** — a legal or a natural person who initiated and undertook the responsibility for the production of the first sound fixation of a performance or other sounds;

**works of folk art** — tales, songs, dances, works of applied arts, and other results of artistic and amateur folk art without a specific author;

**publication** — release of copies of a work, recording of a performance, or a phonogram with the consent of the author of a work, performer, or phonogram producer in an amount sufficient to meet the reasonable needs of the public based on the nature of the work, recording of a performance, or phonogram;

**broadcasting** — communication of works or objects of related rights to the public through their transmission by way of their transmission on the radio or television (with the exception of cable television). In the broadcasting of works or objects of related rights via a satellite, the broadcasting is understood to mean reception of signals from a ground station by the satellite and transmission of signals from a satellite, through which the work or objects of related rights can be brought to the general public, regardless of their actual reception by the public;

**broadcasting or cablecasting organization** — a person who initiated and undertook the responsibility for the broadcasting or communication via cable, and carries it out in accordance with the established procedure;

**broadcasting or cablecasting organization program** — a broadcast program produced by broadcasting or cablecasting organization itself, as well as by another organization at its request and at its expense;

**rightholder** — author or author's successors in respect of copyright, performer or his/her successors, producer of a phonogram, broadcasting or cable broadcasting organization in respect of related rights, as well as other legal entities or individuals who have obtained the rights to use the works or objects of related rights by agreement or on other basis stipulated by this Law.

## **CHAPTER 2. COPYRIGHT**

### **Article 4. The Sphere of Application of Copyright**

Pursuant to Law, copyright shall cover:

works of authors or other original copyright holders who are citizens of the Republic of Uzbekistan or have a permanent place of residence in the territory of the Republic of Uzbekistan;

works first published in the Republic of Uzbekistan, regardless of citizenship and permanent residence of their authors;

in granting protection to a work in the Republic of Uzbekistan pursuant to international treaties of the Republic of Uzbekistan.

A work shall also be deemed published for the first time in the Republic of Uzbekistan, if it is published in its territory within 30 of its first publication outside the Republic of Uzbekistan

In granting protection to a work in the territory of the Republic of Uzbekistan pursuant to the international treaties of the Republic of Uzbekistan, the author of the work shall be determined by the law of the state where the legal fact, which has provided the grounds for the gaining copyright has taken place.

### **Article 5. Subject matter of copyright**

Copyright shall extend to the works of science, literature, and art, that are result of creative activity regardless of the purpose and merit of the work, as well as of the manner of its expression.

Copyright shall cover both published and unpublished works in any objective form:

Written (manuscript, typescript, musical notation, etc.);

Oral (public utterance, public performance, etc.);

Audio or video recording (mechanical, magnetic, digital, optical, etc.);

Image (picture, sketch, painting, plan, drawing, motion, TV, video, or photo frame, etc.);

Three-dimensional (sculpture, model, mock-up, structure, etc.);

Other forms.

Copyright shall apply to the form of expression, not to ideas, principles, methods, processes, systems, means, or concepts.

### **Article 6. Works Constituting Objects of Copyright**

The objects of copyright shall include:

Literary works (literary and artistic, scientific, educational, journalistic, etc.);

Dramatic and scriptural works;

Musical works with or without any text;

Musical-dramatic works;

Choreographic works and pantomimes;

Audiovisual works;

Works of painting, sculpture, graphics, design, and other works of fine arts;

Work of applied arts and scenographic design;

Works of architecture, urban planning and landscape art;

Photographic works and works obtained by methods similar to photography;

Geographical, geological, and other maps, plans, sketches, and works relating to geography, topography, and other sciences;

Computer programs of all types, including application programs and operating systems, which can be expressed in any programming language and in any form, including user code and object code;

Other works complying with the requirements set forth by Article 5 of this Law.

### **Article 7. Parts of Work, Derivative Works, and Composite Works Which Are Objects of Copyright**

The following works, which meet the requirements set out in Article 5 of the present Law, shall be the copyright objects:

parts of a work (including its title) which may be used independently;

derivative works (translations, treatments, abstracts, summaries, reviews, staging, arrangements, adaptations and other revisions of works of science, literature and art);

collections (encyclopedias, anthologies, databases) and other composite works, which are the result of creative work by selection or arrangement of materials.

Derivative and composite works shall be protected by copyright independent of whether the works on which they are based or which they incorporate are objects of copyright.

### **Article 8. Materials That Are Not Objects of Copyright**

The following shall not be objects of copyright:

official documents (laws, decrees, decisions, etc.), as well as their official translations;

official symbols and marks (flags, emblems, orders, monetary symbols, etc.);

works of folk art;

daily news reports or messages on current events having a nature of ordinary press information;

results obtained by technical means intended for production of a certain kind of work without the performance of creative activities by a person directly aimed at the creation of an individual work.

### **Article 9. Rights to Drafts of Official Documents, Symbols, And Marks**

The right of authorship to a draft official document, symbol, or mark shall belong to the person who created the draft (the developer).

The developer of a draft official document, symbol, or mark shall have the right to publish such a draft, if it is not prohibited by the authority on whose instructions the draft was developed. When publishing a draft, the developer shall be entitled to specify own name.

A draft official document, symbol, or mark may be used by a competent authority for the preparation of an official document without the consent of the developer, if the draft has been published by him/her or has been sent to the relevant authority.

When an official document, symbol, or mark is prepared on the basis of a draft, it may be amended and supplemented at the discretion of the authority, which prepares the official document, symbol, or mark.

Upon adoption (approval) by a competent authority of an official document, symbol, or mark on the basis of a draft, the document, symbol, or mark shall be used without indicating the name of the developer of the draft.

#### **Article 10. Emergence of Copyright. Presumption of Authorship**

The copyright in a work of science, literature, and art shall arise by virtue of the fact of its creation. No any registration of a work or compliance with any other formalities shall be required for the occurrence and exercise of copyright.

The person indicated as the author on the original or a copy of a work shall be deemed to be its author, unless proven otherwise.

In the case of publication of work anonymously or under a pseudonym (except when the pseudonym of the author leaves no doubt about his/her identity), the publisher who has published the work and whose name is mentioned in the work shall — in the absence of proof to the contrary — be considered as the author's representative and shall be entitled to protect and enforce his/her rights. This provision shall remain in force until the author of such a work discloses his/her identity and claims his/her authorship.

#### **Article 11. Copyright Protection Marks**

The owner of exclusive copyright shall be entitled — for the purpose of announcing about his/her rights — to use a copyright protection mark, which shall be placed on each copy of the work and shall consist of three elements:

- the Latin letter "C" in a circle;
- the name (title) of the exclusive copyright owner;
- the year of first publication of the work.

Unless proven otherwise, the person indicated in the copyright protection mark shall be deemed the owner of exclusive copyrights.

#### **Article 12. Co-Authorship**

The copyright in a work created by joint creative labor of two or more persons shall belong to the co-authors all together regardless of whether such a work forms a single indivisible whole or consists of parts, each of which also has an independent value.

A part of a work shall be recognized as having an independent value, if it may be used independently of the other parts of this work.

Each of the co-authors shall be entitled to use the part of the work created by him/her and having independent value at his/her own discretion, unless otherwise stipulated by the agreement between them.

The relations between co-authors shall — as a rule — be determined on the basis of the agreement. In the absence of such an agreement, the copyright in a work shall be shared by all authors jointly, and the remuneration shall be distributed equally between them.

Should the work of co-authors form a single indivisible whole, none of the co-authors shall have the right to prohibit the use of the work without sufficient grounds.

#### **Article 13. Copyright in a Derivative Work**

The author of a derivative work shall own the copyright in the alteration of work of science, literature, and art performed by him/her.

The author of a derivative work shall enjoy copyright in a work created by him/her, provided he/she observes the rights of the author of the work that has been subjected to alteration.

The copyright of the author of a derivative work shall not prevent other persons from making their own alterations of the work, served as a basis for alteration.

#### **Article 14. Copyright in a Composite Work**

The author of a composite work (the compiler) shall own the copyright in the selection or arrangement of materials made by him/her and representing the result of his/her creative work.

The compiler shall enjoy copyright provided that he/she observes the rights of the authors of each of the works included in the composite work.

The authors of works included in a composite work shall retain the exclusive rights to use their works independently of the composite work, unless otherwise provided in the author's contract.

The copyright of the compiler shall not prevent others from independently selecting or arranging the same materials for creation of their composite works.

#### **Article 15. Copyright in an audiovisual work**

The following shall be the authors (co-authors) of an audiovisual work:

director of photography (or stage-manager);

scriptwriter;

author of a musical work either with or without a text, specially created for this audiovisual work;

cameraman-director;

art director.

The producer of an audiovisual work shall be a legal entity or an individual whose name is indicated as producer on the original or copy of the work, unless proven otherwise.

When a public performance of an audiovisual work is made, the author of a musical work (with or without text) shall retain the right to remuneration for the public performance of his/her musical work.

#### **Article 16. Authors of the Interview**

The copyright in the interview shall belong to the person who gave the interview and the person who conducted the interview as co-authors, unless otherwise provided by the agreement between them.

The use of the interview shall be permitted only with the consent of the person who gave the interview.

### **Article 17. Rights of Persons Who Organize the Creation of Works**

Persons who organize the creation of works (producers of audiovisual works, publishers of encyclopedias, producers, etc.) shall not be recognized as the authors of the corresponding works. However, in cases stipulated by this Law or other laws, such persons shall acquire exclusive rights to use these works.

The producer of an audiovisual work shall have the right to indicate his/her name or title when using this work, or to demand such indication.

The producer of encyclopedias, encyclopedic dictionaries, periodic and continuing collections of scientific works, newspapers, magazines, and other periodicals shall own the exclusive rights to use such publications. The publisher shall have the right to indicate his/her name or title in any use of such publications or to demand such an indication.

### **Article 18. Personal Non-Proprietary Rights of the Author**

The author of a work shall enjoy the following personal non-proprietary rights:

- the right to be recognized as the author of a work (the right of authorship);
- the right to use or permit the use of a work under an author's real name, a pseudonym or without indicating name, i.e. anonymously (right of authorship name);

- the right to make public or allow making a work public in any form (right to make public), including the right of revocation;

- the right to protection of the work, including its title, from any distortion or any other infringement, which may damage the honor and dignity of the author (the right to protection of the author's reputation).

The author shall have the right to refuse earlier made decision on making a work public (right of revocation) under condition of compensation to the persons who have received the right to use the work, of losses caused by such decision, including loss of profit. If the work has already been made public, the author shall be obliged to publicly notify about its revocation. Hereby, he/she shall have the right to withdraw earlier produced copies of the work from circulation at own expense. These provisions shall not apply to service-related works, unless otherwise provided for in the contract with the author.

When a work is published, publicly performed or otherwise used, the introduction of any changes in the work itself, in its title, and in the name of the author shall be allowed only with the author's consent.

It shall be prohibited to furnish his/her work during the publication with illustrations, a foreword, an epilogue, commentaries, or any other explanations without author's consent.

The personal non-proprietary rights shall belong to the author regardless of his/her property rights and retain with him/her in case of transfer of exclusive rights to use the work.



The agreement of the author with any person and the statement of the author on refusal of implementation of personal non-proprietary rights shall be null and void.

### **Article 19. Property Rights of the Author**

The author shall own the exclusive rights to use a work in any form and by any means.

Legal entities and individuals, except in the cases stipulated in this Law, shall be entitled to use the work only under a contract with the rightholder or any other authorized person, including under a contract with organizations managing property rights on a collective basis or — in their absence — under a contract with an organization performing the functions and duties of these organizations.

The author's exclusive rights to use a work shall mean the right to perform or authorize the following actions:

- reproduction of the work (right of reproduction);
- distribution of the original or copies of the work by sale or other transfer of ownership (right of distribution);
- communication of the work to the general public (right of communication to the general public);
- renting out the original or copies of the work (right to rent out);
- importing copies of the work for the purpose of distribution, including the copies produced with the permission of the exclusive rights owner (right of import);
- communication of the work to the general public by broadcasting via wire (cable) or other similar means (right of communication via cable);
- redoing, arrangement or other revision of the work (right of revision);
- public demonstration of the work (right of public demonstration);
- public performance of the work (right of public performance);
- communication of the work to the general public by broadcasting via wireless transmission (right of broadcasting);
- translation of the work (right of translation);
- repeated communication of the work to the general public, if such communication is made by another organization and not by the organization that originally made the communication (right of repeated communication to the general public).

The author shall have the right to receive remuneration for each type of use of own work (right to remuneration).

If copies of the published work have been legitimately introduced in the civil circulation by means of their sale or other transfer of the right of ownership, their further distribution shall be permitted without an author's consent and without payment of remuneration to him/her, except in the case provided for in part three of Article 23 of this Law.

A work shall be deemed to have been used regardless of the fact whether it has been used for the purpose of deriving income or its use was not aimed at such a purpose.

The practical application of the provisions composing the content of a work (inventions and other technical, economic, organizational, and similar solutions) shall not be deemed the use of the work in the sense of copyright.

#### **Article 20. Specific Features of Certain Proprietary Rights of the Author**

The exclusive rights of the author to the translation or alteration of a work shall include the right to perform or authorize the actions provided for in part three of Article 19 of this Law in respect of the translated or altered work.

The exclusive rights of the author to use the design, architectural, urban planning, and landscaping projects shall also include the right to implement such projects in practice. The author of an accepted architectural project shall be entitled to demand from the customer the right to participate in the implementation of his/her project during the development of construction documentation and in the construction of a building or structure, unless otherwise provided for in the contract.

#### **Article 21. Right to Rent Out**

The authors of audiovisual works, computer software, and phonograms shall have the exclusive right to permit the rental of the original or a copy of a work. The provisions of this part shall not apply to audiovisual works, unless such rental results in widespread reproduction of such works prejudicial to the exclusive right of reproduction, and also in respect of computer software, if the computer software itself is not the main object of rental.

In the case of rental of copies of the phonogram or audiovisual work, the author shall retain the right to remuneration for the rental of copies of the phonogram or the audiovisual work, notwithstanding the transfer of the right to rental of the phonogram or the audiovisual work to the producer of the phonogram or the producer of the audiovisual work. The minimum amount of this remuneration, the conditions and procedure for its payment shall be established by the Cabinet of Ministers of the Republic of Uzbekistan.

#### **Article 22. Works Depositing**

The use of a work shall be recognized as depositing of manuscripts of a work and other works on any tangible medium, if such depositing is made in a publicly available depository and if it allows anyone, who applies to the depository, to receive a copy of the work under the depository's contract.

Depositing of a work shall be carried out on the basis of a contract between the owner of exclusive copyrights and the depository, establishing the conditions for use of the work. Such a contract and the depository's contract with the user shall have a public nature.

#### **Article 23. Right of Access to Works of Fine Art. Resale Royalty Right**

The author of a work of fine arts shall be entitled to demand from the owner of the work the possibility to exercise the right to reproduce his/her work

(right of access). Hereby, the owner of a work shall not be demanded to deliver the work to the author.

The transfer of ownership of a work of fine art (either billable or for free) from the author to another person shall mean the first sale of this work.

In each case of public resale of a work of fine art (through an auction, fine art gallery, art salon, store, etc.) at a price exceeding the previous price by at least twenty percent, the author shall be entitled to receive remuneration from the seller in the amount of five percent of the resale price (resale royalty right). The specified right shall be inalienable and be transferred only to the successors of the author by law for the term of validity of the copyright.

#### **Article 24. Restriction of Copyright**

Restriction of the exclusive rights of the author and other persons to use the work shall be allowed only in cases stipulated in Articles 25 — 33 of this Law, or in other laws. The said restrictions shall be applied provided that they do not unreasonably prejudice the normal use of the work and do not unreasonably prejudice the legitimate interests of the author.

#### **Article 25. Reproduction of Works for Personal Purposes Without the Author's Consent and Without Payment of Remuneration**

The reproduction of a work made public for personal purposes shall be allowed without the consent of author or other rightholder and without payment of remuneration, except in the cases stipulated in Article 33 of this Law.

The rules of part one of this Article shall not apply to the following:

reproduction of works of architecture in the form of buildings and structures;

reproduction of databases or substantial parts thereof;

reproduction of computer software, except in cases provided for by law;

reprographic reproduction of books (in their entirety) and scores.

#### **Article 26. Free Use of Works Indicating the Name of the Author**

The following free use of a work with the name of the author and the source of borrowing indicated shall be allowed, provided that it does not harm the normal use of the work and does not infringe on the legitimate interests of the author:

quoting in the original and in translation for scientific, research, polemical, critical, and non-promotional information purposes from works made public to the extent justified by the purpose of quotation, including the reproduction of excerpts from newspaper and magazine articles in the form of press reviews;

use of published works or excerpts of such works as illustrations in publications, radio and television broadcasts, sound and video recordings of an educational and teaching nature, to the extent justified by the intended purpose;

reproduction in newspapers, broadcasting, or communication via cable of articles published in newspapers and magazines on current political, economic,

social, and religious issues or broadcasting or communication via cable of the same nature, unless such use has been specifically prohibited by the author;

reproduction in newspapers, broadcasting, or communication via cable of publicly delivered political speeches, addresses, reports, and other similar works to the extent justified by the intended purpose. Hereby, the author shall retain the right of publication of such works in collections;

reproduction or communication to the general public by means of photography or cinematography, broadcasting, or communication via cable of works seen or heard in the course of such events, to the extent justified by the informational purpose. Hereby, the author shall retain the right of publication of such works in collections;

reproduction of published works without deriving income in relief-dot type or by other means for the blind, except for works specially created for such methods of reproduction.

The provision of copies of works legitimately introduced into civil circulation by information and library institutions for temporary use without the consent of the author or another rightholder and without payment of remuneration shall be permitted. In this case, copies of works that are objects of copyright expressed in digital form, including copies of works provided as part of mutual use of resources of information and library institutions, may be provided for temporary use only in the premises of information and library institutions, provided that it is impossible to create copies of these works in digital form.

#### **Article 27. Use of Works by Reprographic Reproduction**

Reprographic reproduction of the following in a single copy shall be allowed without the purpose of deriving income, without the consent of the author or other rightholder and without payment of remuneration, but with mandatory indication of the name of the author whose works are used and the source of borrowing:

published work — by information and library institutions, archives and departmental archives for restoration, replacement of lost or damaged copies, and for providing copies of works to other information and library institutions, archives and departmental archives that have lost these works from their collections by any reason;

individual articles and small works published in collections, newspapers, and other periodicals, short excerpts from published written works (either with or without illustrations) by information and library institutions, archives and departmental archives at the request of citizens for educational and research purposes, as well as by educational institutions for classroom learning sessions.

#### **Article 28. Free Use of Works Permanently Located in Places Open to the Public**

The reproduction, broadcasting, or communication via cable of works of architecture, photographs, and fine art that are permanently located in a place open to public view shall be allowed without the consent of the author or other

rightholder and without payment of remuneration. This rule shall not apply to cases where the image of the work is the main object of such reproduction, broadcasting, or communication via cable, as well as to cases where the image of the work is used for commercial purposes.

#### **Article 29. Free Public Performance of Works**

Public performance of published musical works shall be permitted without the consent of the author or other rightholder and without payment of remuneration in official, religious, and funeral ceremonies to the extent justified by the nature of such ceremonies.

#### **Article 30. Use of Works for The Purposes of Pre-Investigation Checks, Preliminary Enquiries, Preliminary Investigations, Administrative and Judicial Proceedings**

Use of works for the purposes of pre-investigation checks, preliminary enquiries, preliminary investigations, administrative and judicial proceedings shall be permitted without the consent of the author or other rightholder and without payment of remuneration to the extent justified by the purpose of the use.

#### **Article 31. Free Short-Term Recording Produced by Broadcasting Organizations**

The broadcasting organization may, without the consent of the author and without payment of additional remuneration, make a short-term recording of a work in respect of which that organization has obtained the right to broadcast, provided that such recording is made by the broadcasting organization with its own equipment and for its own broadcasts. The organization shall destroy such recording within six months after having made it, unless a longer period has been agreed upon with the author of the recorded work. Such recording may be preserved without the consent of the author of the work in archives and departmental archives if the recording has only a documentary nature.

#### **Article 32. Free Reproduction and Adaptation of Computer Software or Databases**

The right of a person who legitimately owns a copy of a computer software or database to the free reproduction and adaptation of computer software or database for further personal use shall be determined by law.

#### **Article 33. Payment of Remuneration for Reproduction for Personal Purposes**

The reproduction of an audiovisual work or phonogram for personal purposes without the consent of the author of a work, performer, producer of a phonogram and the producer of an audiovisual work without deriving a profit shall be allowed subject to payment of remuneration to them. Remuneration shall be paid by producers and importers of equipment (audio and video recorders and other equipment) and tangible media (audio and/or video tapes and cassettes, CDs and other tangible media) used for such reproduction.

The list of manufactured and imported equipment and tangible medium, as well as the rates of collected remuneration, the conditions and procedure for its collection shall be established by the Cabinet of Ministers of the Republic of Uzbekistan.

The collection and distribution of the remuneration provided for in this Article shall be carried out by one of the organizations administering the property rights of the authors, producers of phonograms, and performers on a collective basis in accordance with the agreement between these organizations. Unless otherwise provided by this agreement, the aforementioned remuneration shall be distributed in the following proportion: forty percent to authors, thirty percent to performers, and thirty percent to producers of phonograms and/or producers of audiovisual works.

Control and supervision over the procedure for collection and distribution of the remuneration provided for in this Article shall be carried out by a specially authorized state authority.

No fee shall be collected nor remuneration be paid in respect of equipment and tangible media subject to export, as well as professional equipment not intended for use under home conditions.

#### **Article 34. Copyright in a Service-Related Work**

The author's personal non-proprietary rights to a work created by way of performance of official duties or an official assignment (service-related work) shall be retained by the author of the work.

Exclusive rights to use a service-related work shall belong to the employer, unless otherwise provided in the contract between the employer and the author.

The amount of remuneration for each type of use of the service-related work and the procedure for payment thereof shall be established by the contract between the author and the employer. Upon expiry of ten years from the date of making the work public and — upon employer's consent — even earlier, the author shall acquire the full right to use the work and to receive remuneration, regardless of the contract concluded with the employer.

The author's right to use the service-related work in a way not conditioned by the purpose of the assignment shall not be limited.

The employer shall have the right to indicate its name in any use of a service-related work or to demand such an indication.

The provisions of this Article shall not apply to the creation — as part of the performance of official duties or an official assignment of the employer — of encyclopedias, encyclopedic dictionaries, periodic and continuing collections of scientific works, newspapers, magazines, and other periodicals stipulated by part three of Article 17 of this Law.

#### **Article 35. Term of Copyright**

Copyright shall be effective throughout the life of the author and for seventy years after his/her death, except in the cases provided for in this Article and in other laws.

Copyright in a work created in co-authorship shall last throughout the life of the co-authors and seventy years after the death of the last of the authors who lived out the other co-authors.

Copyright in a work legitimately made public either under a pseudonym or anonymously shall be valid for fifty years after its publication. If during the said period the pseudonym or anonymous person discloses his/her identity or his/her identity is no longer in doubt, the terms referred to in paragraph one of this Article shall apply.

Copyright in a work first published after the death of the author shall be effective for seventy years following the date of publication.

The right of authorship, the right to authorship name, and the right to protection of an author's reputation shall be protected indefinitely.

When granting protection to a work in accordance with international contracts of the Republic of Uzbekistan, the term of copyright on the territory of the Republic of Uzbekistan shall be determined in accordance with this Article. But this term may not exceed the term of copyright established in the country of origin of the work.

The calculation of the terms stipulated in this Article shall commence on the first day of January following the year in which the legal fact constituting the ground for the commencement of the term took place.

### **Article 36. Transfer of Copyright by Inheritance**

The property rights of an author shall be transferable by inheritance.

Non-proprietary rights of the author shall not be transferable by inheritance. The successors of an author shall have the right to exercise the protection of these rights. These powers of successors shall not be limited by time.

In the absence of successors of the author, protection of his/her personal non-proprietary rights shall be entrusted to a specially authorized state authority.

If the copyright in a work belongs to several successors jointly, the order of use of the work shall be determined by agreement between them. Hereby, none of the successors may, without sufficient grounds, prohibit the other successors from using the work.

### **Article 37. Transition of a Work into the Public Domain**

Expiration of the term of copyright for a work shall mean its transition into the public domain.

Works in the public domain may be freely used by any person without payment of remuneration. Personal non-proprietary rights of the author shall be respected.

### **Article 38. Author's Contract**

The property rights provided for in paragraph three of Article 19 of this Law may be transferred by the rightholder to another person only by concluding an author's contract except in the cases stipulated in this Law.

The author's property rights may be transferred on the basis of an author's contract on the transfer of exclusive rights or on the basis of an author's contract on the transfer of non-exclusive rights.

The author's contract on transfer of exclusive rights shall authorize the use of the work in a certain way and within the limits established by the contract only to the person to whom these rights are transferred.

An author's contract on the transfer of non-exclusive rights shall allow the user to use the work in the same way as the owner of exclusive rights who has transferred such rights, and/or other persons who have received permission to use this work in the same way.

The rights transferred under the author's contract shall be considered non-exclusive, unless otherwise expressly provided in the contract.

The copyright in a work shall not be related to the ownership of the material object in which the work is expressed.

The transfer of ownership of a material object or the right of possession of a material object shall not in itself entail the transfer of any copyright in the work expressed in that object.

### **Article 39. Terms of an Author's Contract**

The following shall be stipulated in an author's contract:

the methods of use of the work (the specific rights transferred under the contract);

the amount of remuneration and/or the procedure for determining the amount of remuneration for each way of using a work, the procedure and time limits for payment.

An author's contract may provide for other terms and conditions as deemed necessary by the parties.

If the author's contract does not stipulate the term for which the right to use the work is transferred, the contract may be terminated by the author upon expiry of five years from the date of its conclusion, if the user is informed about this in writing six months before the termination of the contract.

If the author's contract does not specify the territory within which the right to use the work applies, the effect of the right transferred under the contract shall be limited to the territory of the Republic of Uzbekistan.

The rights to use a work not expressly provided for transfer by the author's contract shall be deemed not transferred.

The subject matter of an author's contract may not be the right to use a work, unknown at the time of the conclusion of the contract.

Remuneration shall be determined in an author's contract as a percentage of the revenue for the appropriate manner of use of a work or, if this is impossible due to the nature of the work or the peculiarities of its use, as a sum fixed in the contract or in some other manner. The minimum amounts of such remuneration shall be fixed by the Cabinet of Ministers of the Republic of Uzbekistan.



If an author's contract for publication or other performance of a work determines remuneration in the form of a fixed sum, the contract shall stipulate the maximum circulation of the work.

The rights transferred under an author's contract may be transferred in whole or in part to other persons only if this is expressly provided for in such a contract.

The condition of an author's contract which restricts the author in the future creation of works on a given topic or in a given field shall be null and void.

Conditions of the author's contract which contradict the requirements of this Law shall be null and void.

#### **Article 40. Peculiarities of the Author's Contract for the Creation and Use of an Audiovisual Work**

The conclusion of the author's contract for the creation and use of an audiovisual work shall entail assignment by the authors of this work to the producer of the audiovisual work of the exclusive rights of reproduction, distribution, renting out, public performance, broadcasting, communication to the public via cable, repeated communication to the public, communication to the general public of audiovisual work, as well as subtitling and dubbing of the text of the audiovisual work unless otherwise provided for in the contract. The said rights shall be valid for the term of validity of the copyright in the audiovisual work.

The use of works forming part of an audiovisual work shall be made on the basis of an author's contract and other grounds provided for by law.

Rightholder, who has given his/her consent to the inclusion of a work in an audiovisual work, shall not be entitled to prohibit or restrict in any way the exploitation of an audiovisual work unless otherwise provided in the author's contract with the producer of the audiovisual work.

Authors of works included in an audiovisual work whether pre-existing or created in the process of the work shall enjoy copyright in each of their works unless otherwise stated in the author's contract with the producer of the audiovisual work.

#### **Article 41. Commissioning Agreement**

Under a Commissioning Agreement, the author shall undertake to create a work in accordance with the terms of the contract and to deliver it to the customer.

Personal non-proprietary rights to a work created under a Commissioning Agreement shall belong to the author.

In the case of transfer under a Commissioning Agreement of the property rights to use a work, the provisions of Articles 38, 39, and 42 of this Law shall be observed.

#### **Article 42. Form of the Author's Contract**

An author's contract shall be concluded in written form, except in cases stipulated by law.

When selling copies of computer software and databases, the author's contract shall be considered concluded in written form if its terms and conditions (terms of use of the software and database) are stated appropriately on the copies of the software or database.

### **CHAPTER 3. RELATED RIGHTS**

#### **Article 43. Scope of Related Rights**

Performer's rights shall be recognized in accordance with this Law, provided one of the following terms is met:

the performer shall be a citizen of the Republic of Uzbekistan;

the performance took place for the first time on the territory of the Republic of Uzbekistan, regardless of performer's citizenship;

the performance was recorded on a phonogram protected in accordance with the provisions of paragraph two of this Article;

the performance — not recorded in a phonogram — was included in a broadcast of the broadcasting or cablecasting organization, protected in accordance with the provisions of part three of this Article.

The rights of the producer of the phonogram shall be recognized under this Law, provided one of the following terms is met:

the producer of the phonogram shall be a citizen of the Republic of Uzbekistan or a legal entity having its location on the territory of the Republic of Uzbekistan;

the phonogram is first published on the territory of the Republic of Uzbekistan, regardless of the citizenship or the location of the phonogram's producer.

The rights of the broadcasting or cablecasting organization shall be recognized in accordance with this Law, if the organization is located on the territory of the Republic of Uzbekistan and carries out broadcasting or communication via cable using transmitters located on the territory of the Republic of Uzbekistan.

In accordance with this Law, related rights of foreign legal entities and individuals protected in the Republic of Uzbekistan in accordance with international agreements of the Republic of Uzbekistan shall also be recognized.

#### **Article 44. Objects of Related Rights**

Objects of related rights shall include performances, phonograms, and broadcasts of broadcasting or cablecasting organization.

#### **Article 45. Subjects of Related Rights**

Subjects of related rights shall be performers, producers of phonograms, broadcasting or cablecasting organizations.

No registration of the object of related rights or any other formalities shall be demanded for the occurrence and exercise of related rights.

Legal entities and individuals, including those engaged in broadcasting and communication via cable (including rebroadcasting), except in the cases stipulated by this Law, may use the work, performance, phonogram, or broadcasts of a

broadcasting or cablecasting organization only under contract with the rightholder or another authorized person. Rebroadcasting shall be in observance of the rights of the authors, performers, producers of phonograms and other rightholders to broadcast, communicate via cable, and communicate to the general public.

#### **Article 46. Protection Marks of Related Rights**

The owners of exclusive rights to a phonogram and/or a performance recorded in such a phonogram may — to give notice of their rights — use the label for protection of related rights which shall appear on each phonogram copy and/or on each case containing it and shall consist of three following elements:

- the Latin letter "P" in a circle;
- name (title) of the owner of exclusive related rights;
- the year of first publication of the phonogram.

Unless proved otherwise, the producer of the phonogram shall be the legal entity or individual whose name or surname is indicated on the phonogram and/or on the case containing it in the usual manner.

#### **Article 47. Performer's Rights**

The performer shall have the following rights:

- the right to a name;
- the right to protection of the performance against any distortion or any other infringement, which may damage the honor and dignity of the performer's rights;
- exclusive rights to use the performance in any form, including the right to receive remuneration for each type of use of his/her performance.

The exclusive rights of the performer to use the performance shall mean the right to perform or authorize the following acts:

- reproduction of the performance recording (right of reproduction);
- distribution of the original or copies of the performance recording by sale or other transfer of ownership (right of distribution);
- communication of the performance recording to the general public (right of public communication);
- renting out the original or copies of the performance recording, even after their distribution with the performer's consent and regardless of the ownership of the original and copies (right to rent out);
- recording previously unrecorded performances (right of recording);
- broadcasting or communication via cable of a performance if the performance used for such broadcasting has not previously been broadcast or recorded (right to broadcast or communicate via cable an unrecorded performance);
- broadcasting or communication via cable the performance recording if the recording was not originally made for commercial purposes (right to broadcast or communicate via cable the performance recording).

The exclusive right of the performer to reproduce the recording of the performance shall not apply where:

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

the reproduction of the performance recording shall be made for the same purpose for which the performance recording was made with the consent of the performer;

the reproduction of the performance recording shall be made for the same purposes for which the recording was made in accordance with the provisions of Article 53 of this Law.

Where copies of the performance recording have been legally introduced into civil circulation through their sale or other transfer of ownership, their further distribution shall be permitted without consent of the performer and without payment of remuneration to him.

The provisions of Article 34 of this Law shall apply accordingly to the performances exercised by way of performance of official duties or an official assignment by the employer.

Performers shall exercise their rights with observance of the rights of the authors of the works being performed.

Recording of a performance shall be deemed to have been used regardless of whether it has been used for the purpose of deriving income or not used for that purpose.

#### **Article 48. Transfer of Performer's Rights**

The performer's rights provided for by paragraph two of Article 47 of this Law may be contractually transferred to other persons. Provisions of Articles 38, 39, and 42 of this Law shall respectively apply to this contract.

Permissions to use performances shall be given by the performer or in the case of a collective of performers by an authorized representative of the collective of performers by means of a written contract.

The amount and order of calculation of remuneration for the use of the performance shall be set forth in the contract between the performer or the authorized representative of the collective of performers and the user, or in cases where the collection of such remuneration is conducted by organizations which collectively manage the property rights of performers, in contracts concluded by such organizations with users.

The conclusion of the contract for the creation of an audiovisual work by the performer and the producer shall entail assignment of the rights provided for in paragraph two of Article 47 of this Law by the performer. The assignment of rights by the performer shall be limited to the use of the audiovisual work and shall not include any rights to separate use of sound or image in the audiovisual work, unless otherwise provided for in the contract.

#### **Article 49. Right to Rent Out the Performances Recording of a Performance**

The right to rent out a phonogram in which a performance involving the performer is recorded, published for commercial purposes, shall pass to the

producer of the phonogram upon conclusion of the contract for the recording of the performance in the phonogram. Upon the rental of copies of a phonogram published for commercial purposes, the performer whose performance is recorded in the phonogram shall retain the right to remuneration for the rental of copies of such phonogram.

Upon the rental of copies of an audiovisual work published for commercial purposes, the performer whose performance is included in the audiovisual work shall retain the right to remuneration for the rental of copies of that audiovisual work.

Remuneration for the rental of copies of a phonogram or an audiovisual work published for commercial purposes may be collected and distributed by the organization managing the property rights of performers on a collective basis. The amount of remuneration shall be determined by agreement between the organization and the rental organization.

### **Article 50. Rights of Phonogram Producer**

The phonogram producer shall enjoy the exclusive rights for the use of the phonogram, in accordance with this Law.

The exclusive rights of the producer of the phonogram to use the phonogram shall mean the right to perform or authorize the following actions:

- to reproduce the phonogram (right of reproduction);
- to distribute the original or copies of the phonogram by sale or other transfer of ownership (right of distribution);
- to communicate the phonogram available to the general public (right of public communication);
- to rent out the original or copies of the phonogram, even after their distribution by the producer of the phonogram or with his/her agreement and regardless of the ownership of the original or copies (right to rent out);
- to import the original or copies of the phonogram for the purpose of distribution, including copies made with the permission of the owner of exclusive rights to the phonogram (right of import);
- to broadcast or communicate via cable the phonogram (the right to broadcast or communicate via cable);
- to redo or otherwise review the phonogram (right of revision).

The producer of the phonogram shall have the right to remuneration for each use of his/her phonogram.

Where copies of a published phonogram have been legally introduced into civil circulation through their sale or other transfer of ownership, their further distribution is permitted without consent of the producer of the phonogram and without payment of remuneration to him.

The exclusive rights of the producer of the phonogram, provided for in paragraph two of this Article, may be transferred by contract to other persons. Provisions of Articles 38, 39 and 42 of this Law shall respectively apply to this contract.

The producers of phonograms shall exercise their rights with due observance of the rights of the authors and performers of the works and performances used.

The phonogram shall be deemed to have been used regardless of whether it has been used for the purpose of deriving income or not for that purpose.

#### **Article 51. Remuneration for the Use of the Phonogram**

The phonogram published for commercial purposes and the performer whose performance is recorded on such phonogram may be used without consent of the producer of the phonogram, but on payment of remuneration:

public performance of the phonogram;

broadcasting or communication of the phonogram via cable, including by means of rebroadcasting.

Remuneration provided for in paragraph one of this Article may be collected, distributed and paid out by the organization managing the property rights of performers collectively or by the organization managing the property rights of phonogram producers collectively, by agreement between these organizations.

The amount of the remuneration provided for in paragraph one of this Article and the order of payment shall be determined by agreement between the organization which collects the remuneration and the persons using the phonogram.

#### **Article 52. Rights of Broadcasting or Cablecasting Organization**

The broadcasting or cablecasting organization shall have the exclusive rights to use its broadcasting or cablecasting organization in accordance with this Law.

The exclusive rights of a broadcasting or cablecasting organization to use its broadcast shall mean the right to perform or authorize the following actions:

to reproduce a recording of a broadcast (right of reproduction);

to distribute the original or copies of a broadcast recording by sale or other transfer of ownership (right of distribution);

to communicate the recording of a broadcast to the general public (right of public communication);

to record the broadcast (right of recording);

to communicate the broadcast to the general public in places of paid admission (right of public communication in places of paid admission);

to retransmit the broadcast (right of traffic forwarding);

to communicate a broadcast to the general public via cable or broadcast (right of public communication via cable or broadcasting).

The broadcasting or cablecasting organization shall be entitled to remuneration for each use of its broadcast.

The exclusive right of a broadcasting or cablecasting organization to reproduce a recording of a broadcast shall not extend to cases where:

the recording of the broadcast was made with the consent of the broadcasting or cablecasting organization;

the reproduction of the broadcast shall be for the same purposes for which the recording was made in compliance with the provisions of Article 53 of this Law.

The exclusive rights of the broadcasting or cablecasting organization, stipulated by paragraph two of this Article, may be transferred to other persons by contract. Provisions of Articles 38, 39 and 42 of this Law shall respectively apply to this contract.

Broadcasting or cablecasting organizations shall exercise their rights with the observance of the rights of authors and performers of works and performances used and, where appropriate, the rights of phonogram producers and the broadcasting or cablecasting organization.

Broadcast of broadcasting or cablecasting organization shall be considered used regardless of whether it has been used for the purpose of deriving income or not used for that purpose.

Article 53. Limitations on rights of the performer, phonogram producer, broadcasting or cablecasting organization

The use of the performance, broadcasting or cablecasting organization and recordings thereof, as well as the reproduction of the phonogram, shall be permitted without a consent of the performer, producer of the phonogram, broadcasting or cablecasting organization or other rightholder, and without payment of remuneration:

by including in a current affairs review small excerpts from a performance, phonogram, broadcasting or cablecasting organization's broadcast;

solely for the purpose of teaching or scientific research;

in the form of quotation of small excerpts from a performance, phonogram, broadcast of a broadcasting or cablecasting organization, provided that such quotation is for scientific, research, polemical, critical or informational purposes. However, any reproduction of a phonogram published for commercial purposes for broadcasting or communication via cable or for communication to the general public shall comply with the provisions of Article 51 of this Law;

in other cases, provided for by this Law for restriction of property rights of authors of works of science, literature, and art.

The making by an individual of a recording of a performance, a broadcast of a broadcasting or cablecasting organization, as well as a phonogram, exclusively for his/her own personal purposes and without receiving any remuneration, shall be permitted without a consent of the performer, the phonogram producers, broadcasting or cablecasting organization or any other rightholder and without payment of remuneration.

The provisions of Articles 47, 50, and 52 of this Law shall not apply to obtaining the permission of the performer, the phonogram producers and the broadcasting organization for making recordings of a short-term performance or broadcast, for reproducing such recordings and for reproducing a phonogram published for commercial purposes, if the short-term recording or reproduction is made by the broadcasting organization with its own equipment and for its own broadcast, provided:

the broadcasting organization's prior authorization to broadcast the performance or broadcast itself, in respect of which the short-term use recording or reproduction of such recording is made in accordance with the provisions of this part;

its destruction within the time limit fixed for a short-term recording of works of science, literature and art made by a broadcasting organization under the provisions of Article 31 of this Law, except for the single copy which may be preserved in archives and departmental archives on the ground that it is purely documentary in nature.

The restrictions stipulated by this Article in respect of the rights of an author, performer, producer of a phonogram, broadcasting or cablecasting organization or other rightholder shall be applied without prejudice to the normal use of the performance, phonogram, broadcasting or cablecasting organization broadcast, as well as works of science, literature and art included therein and without prejudice to the legitimate interests of the performer, producer of a phonogram, broadcasting or cablecasting organization, authors of said works or other rightholder

#### **Article 54. Duration of Related Rights**

The rights provided for in this Law for the performer shall have duration of fifty years from the first performance.

The performer's rights to be named and to have the performance protected against any distortion or any other encroachment capable of damaging the performer's honor and dignity shall be protected indefinitely.

The rights provided under this Law for the producer of the phonogram shall remain effective for fifty years following the first publication of the phonogram or for fifty years following its first recording if the phonogram has not been published during that period.

The rights of broadcasting or cablecasting organization under this Law in respect of a broadcast by broadcasting or cablecasting organization shall be effective for fifty years following its first broadcast or its first communication via cable.

Where protection is granted to objects of related rights in accordance with international contracts of the Republic of Uzbekistan, the duration of related rights on the territory of the Republic of Uzbekistan shall be determined in accordance with this Article. But this period may not exceed the period of validity of related rights established in the country of origin of objects of related rights.

The calculation of the terms stipulated in this Article shall commence on the first day of January following the year in which the legal fact constituting the ground for the commencement of the term took place.

The successors (in the case of a legal entities, the successors in title) of the performer, phonogram producers, broadcasting or cablecasting organization shall inherit the right to perform or permit the use of the performance, phonogram, broadcast or cablecasting organization and the right to remuneration for the remainder of the terms as specified in this Article.



## **Article 55. Transfer of Objects of Related Rights into the Public Domain**

Expiration of the term of related rights to a performance, phonogram, broadcasting or cablecasting organization broadcast means their transfer into the public domain.

Performances, phonograms, and broadcasts of the broadcasting or cablecasting organization, the protection of which has never been granted on the territory of the Republic of Uzbekistan, are considered to be in the public domain.

Performances, phonograms and programs of the broadcasting or cablecasting organization, which are in the public domain, may be freely used by any person without payment of remuneration.

## **CHAPTER 4. COLLECTIVE MANAGEMENT OF PROPERTY RIGHTS**

### **Article 56. Organizations Managing Property Rights on a Collective Basis**

Authors of works of science, literature and art, performers, producers of phonograms or other rightholders shall have the right to establish organizations for the collective administration of their property rights for the practical exercise of their property rights.

Organizations managing property rights on a collective basis are non-profit organizations and act on the basis of their statutes.

The statutes of organizations managing property rights on a collective basis shall contain provisions that meet the requirements of this Law.

Restrictions envisaged by the legislation on competition shall not apply to the activities of organizations managing property rights on a collective basis.

Creation of separate organizations for different rights and different categories of rightholders or organizations managing different rights for the benefit of one category of rightholders or organizations managing one type of rights for the benefit of different categories of rightholders is allowed.

The conditions and procedure for state registration of organizations managing property rights on a collective basis shall be established by the Cabinet of Ministers of the Republic of Uzbekistan.

### **Article 57. Activities of Organizations Managing Property Rights on a Collective Basis**

The powers to collectively manage property rights shall be granted directly by the rightholders voluntarily on the basis of written contracts, as well as under appropriate contracts with other (including foreign) organizations performing the management of property rights. These contracts shall not constitute author's contracts and shall not be covered by the provisions of Articles 38 — 42 of this Law.

The author or other rightholder shall have the right to entrust the organization performing the administration of property rights on a collective basis

with the powers to exercise his/her property rights under the contract, and the organization shall be obliged to undertake to exercise these rights on a collective basis, if the administration of such rights pertains to the statutory activities of this organization. An author or other rightholder shall have the right to grant authority to exercise his/her property rights or rights only to one organization managing property rights on a collective basis to the relevant category of rightholders.

Decisions regarding the amount of remuneration and the conditions for concluding contracts with users for the use of works and objects of related rights, the order of distribution and payment of the collected remuneration, and other fundamental aspects of the activities of the organization managing property rights on a collective basis shall be made exclusively by the authors or other rightholders collectively at a general meeting.

On the basis of the authority received from the rightholders, the organization managing property rights on a collective basis shall conclude contracts with users for the use of works and objects of related rights. The terms and conditions of the contracts must be the same for all users of the same category, determined depending on the type and volume of works and objects of related rights used. These organizations shall have no right to refuse to conclude a contract with the user without sufficient grounds. Such contracts shall permit the use of all works and objects of related rights in the manner envisaged therein and shall be granted in the name and in the interest of all rightholders, including those who have not delegated authority under parts one, two, and six of this Article to the organization. All possible property claims of rightholders against users connected to the use of their works and objects of related rights on the basis of such contracts shall be settled by the organization that has concluded the contracts and manages the property rights on a collective basis.

Users shall be obliged to provide the organizations managing property rights on a collective basis with information on the use of works and objects of related rights, as well as other information and documents necessary for the collection, distribution and payment of remuneration. The list of information and documents shall be defined in the contracts concluded by the collective property rights managers with the users.

Organizations managing property rights on a collective basis shall not have the right to make use of works and objects of related rights received for management on a collective basis.

### **Article 58. Rights of Organizations Managing Property Rights on a Collective Basis**

An organization managing property rights on a collective basis shall have the right, on behalf of the rightholders it represents and on the basis of the authority received from them:

agree with users the amount of remuneration and other conditions under which contracts are concluded;

conclude contracts with users for the use of rights managed by the organization;

negotiate with users the amount of remuneration in cases envisaged by this Law, where the organization collects such remuneration without concluding a contract

collect, distribute, and pay the remuneration stipulated by the contracts and/or the remuneration stipulated in the fourth paragraph of this part;

perform any legal acts required for the protection of the rights administered by such organization;

register and/or deposit the works and/or objects of related rights, as well as contracts for the transfer of the rights to works and/or objects of related rights, in accordance with the procedure established by such organization.

An organization which manages property rights on a collective basis may also have other rights on the basis of agreements with the rightholders and in accordance with the legislation.

### **Article 59. Duties of Organizations Managing Property Rights on a Collective Basis**

An organization managing property rights on a collective basis shall be obliged to:

submit, simultaneously with the payment of remuneration, reports to the rightholders containing information on the use of their rights;

use the remuneration collected in accordance with the provisions of paragraph five of part one of Article 58 of this Law exclusively for distribution and payment to the rightholders. The organization shall have the right to deduct from the collected remuneration amounts to cover its actual expenses on the collection, distribution and payment of such remuneration, as well as amounts that are sent to special funds created by the organization solely with the consent and in the interests of the rightholders represented by it;

distribute and regularly pay the collected remuneration amounts, less the amounts provided in the third paragraph of this part, in proportion to the actual use of works and objects of related rights;

distribute and pay the collected remuneration directly to the rightholders and/or to transfer it for distribution and payment to other organizations representing the interests of the corresponding categories of rightholders on the basis of agreements with such organizations;

keep unclaimed remuneration by taking measures to seek out rightholders within three years from the date of its receipt in the account of the organization. After this period, the organization shall have the right to include unclaimed remuneration in the amounts distributed or to use it for other purposes only with the consent and in the interests of the rightholders represented by the organization.

The rightholders who have not mandated the organization to collect the remuneration stipulated in subparagraph five of paragraph one of Article 58 of this Law shall have the right to demand that the organization pay the remuneration due to them in accordance with the distribution made, as well as exclude their works or objects of related rights from the contracts provided by this organization to users.

An organization which manages property rights on a collective basis may also have other obligations on the basis of agreements with rightholders and in accordance with the law.

### **Article 60. Control Over the Activity of Organizations Managing Property Rights on a Collective Basis**

The control of the activity of organizations managing property rights on a collective basis shall be exercised by a specially authorized state authority.

The organization managing the property rights on a collective basis shall be obliged to provide the following information to the specially authorized state authority:

- on changes made to the statute of the organization;
- on bilateral and multilateral agreements concluded by the organization with foreign organizations managing similar rights;
- on the decisions of the general meeting;
- on the annual balance sheet, annual report, including information on unclaimed remuneration, and the audit of the organization's activities;
- on the surname, first name, and patronymic of persons authorized to represent the organization.

A specially authorized state authority shall have the right to request from the organization managing property rights on a collective basis the additional information necessary to verify the compliance of the organization's activities with its statute and legislation.

## **CHAPTER 5. PROTECTION OF COPYRIGHT AND RELATED RIGHTS**

### **Article 61. Liability for Violation of Legislation on Copyright and Related Rights**

Persons guilty of violating the legislation on copyright and related rights shall be held liable in accordance with the established procedure.

#### **Article 62. Violation of copyright and related rights**

The following shall constitute violation of copyright and related rights:

- violation of personal non-proprietary rights of authors;
- violation of the performer's rights to the name and protection of the performance against any distortion or any other encroachment;
- reproduction, distribution, or other use of works or objects of related rights without concluding a contract with the rightholder or the organization managing the property rights on a collective basis, except for cases when, in accordance with this Law, such use is allowed without concluding a contract;
- violation of the requirements for payment of remuneration in cases stipulated by this Law;
- use of works or objects of related rights in excess of the rights obtained under the contract concluded with the rightholder or the organization managing the property rights on a collective basis;
- other violations of the property rights of the rightholders.

Counterfeit copies shall mean the copies of works and objects of related rights, reproduction or distribution of which is carried out with violation of copyright and related rights. Counterfeit copies of the works and objects of related rights, protected in accordance with this Law, imported without a consent of the rightholders from the country in which these works and objects of related rights are no longer protected or have never been protected shall also be meant counterfeit.

### **Article 63. Technical Means of Protection of Copyright and Related Rights**

Any technological devices or components thereof controlling access to works or objects of related rights, preventing or restricting the performance of actions, not permitted by the author, holder of related rights or other holder of exclusive rights, with respect to works or objects of related rights, shall be considered technical means of protection of copyright and related rights.

The following actions shall not be allowed in respect of the works and objects of related rights:

carrying out, without the permission of the persons referred to in paragraph one of this Article, actions aimed at lifting restrictions on the use of works or objects of related rights, established through the application of technical means of protection of copyright and related rights;

producing, distributing, renting out, lending, importing, advertising any device or its components, their use for commercial purposes or the provision of services in cases where as a result of such actions it becomes impossible to use the technical means of protection of copyright and related rights or these technical means do not provide adequate protection of the said rights.

### **Article 64. Information on Copyright and Related Rights**

Information on copyright and related rights shall be any information that identifies the work or object of related rights, the author, owner of related rights or other holder of exclusive rights, or information on the conditions for use of the work or object of related rights, contained in the copy of the work or object of related rights, attached thereto or appearing in connection with communication to the public or bringing such work or object of related rights to the public as well as any figures and codes contained therein.

The following shall not be allowed:

removal or modification of information on copyright and related rights without the permission of the persons referred to in paragraph one of this Article;

reproduction, distribution, import for the purpose of distribution, public performance, communication to the general public, communication to the public of works or objects of related rights in respect of which information on copyright and related rights has been removed without the permission of the persons referred to in paragraph one of this Article.

### **Article 65. Means of Protection of Copyright and Related Rights**

The author, holder of related rights, or other holder of exclusive rights shall have the right to demand from the violator the following:

recognition of the rights;

restoration of the situation which existed before the violation of the right and the cessation of the acts violating the right or creating the threat of its violation;

compensation for losses in the amount of unreceived income, which the rightholder would have received under normal conditions of civil circulation, if his/her right was not violated. If the violator has received income as a result of violation of copyright or related rights, the rightholders shall have the right to demand compensation along with other losses of lost profits in the amount not less than these profits;

payment of compensation in the amount from twenty to one thousand base reference value in lieu of damages paid regardless of the fact of infliction of losses, based on the nature of the violation and the degree of fault of the violator, taking into account the custom of business turnover;

taking other measures stipulated by law related to the protection of their rights established by this Law.

The author and the performer in case of violation of their rights shall have the right to demand from the violator compensation for moral damages.

The organization managing property rights on a collective basis shall have the right to apply to court on its own behalf for the protection of violated copyrights and related rights of persons whose property rights are managed by such organization.

Losses caused to third parties as a result of taking measures necessary to prevent or stop the violation of copyright or related rights, as well as the losses incurred by the person who took such measures, shall be recovered from the violator.

## **Article 66. Confiscation of Counterfeit Copies of Works and Objects of Related Rights**

Counterfeit copies of works and objects of related rights, as well as materials and equipment used for their production and reproduction and other instruments of offence shall be subject to confiscation by judicial procedure in accordance with the law.

Confiscated counterfeit copies of works and objects of related rights shall be subject to destruction, except in cases of their transfer to the rightholder at his/her request.

## **CHAPTER 6. FINAL PROVISIONS**

### **Article 67. Dispute Resolution**

Disputes in the field of copyright and related rights shall be resolved in accordance with the procedure established by law.

### **Article 68. Repeal of certain legislative acts**

The following legislative acts shall repeal:

The Law of the Republic of Uzbekistan No. 272-I dated August 30, 1996 "On Copyright and Related Rights" (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1996, No. 9, art. 135);

Resolution of the Oliy Majlis of the Republic of Uzbekistan No. 273-I, dated 30 August 1996 "On enactment of the Law of the Republic of Uzbekistan 'On Copyright and Related Rights'" (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1996, No.9, Art. 136);

Paragraph 15 of the Law of the Republic of Uzbekistan No. ZRU-175-II, dated December 15, 2000 "On Amendments and Additions to and Repeal of Certain Legislative Acts of the Republic of Uzbekistan" (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 2001, No. 1-2, Art. 23).

Article 69. Bringing the legislation in line with the present Law

The Cabinet of Ministers of the Republic of Uzbekistan shall bring the Government decisions in line with the present Law; ensure revision and annulment by the state government bodies of their regulatory legal acts contradicting the present Law.

Article 70. Procedure for the entry into force of the present Law

The present Law shall enter into force on the date of its official publication.

The provisions of paragraph two of Article 21 and paragraph two of Article 49 of this Law, providing for the right to remuneration for the rental of audiovisual works, shall enter into force one year after this Law enters into force.

Contracts on the use of works, performances, phonograms, broadcasts of broadcasting or cablecasting organizations, concluded before the entry into force of this Law shall remain in force until the expiry of the term of such contracts, and the provisions of copyright and related rights legislation in force at the time of their conclusion shall apply to them.

President of the Republic of Uzbekistan I. KARIMOV

Tashkent city,  
20 July 2006 y.,  
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