

**Law**  
**Republic Of Uzbekistan**

August 30, 1996 N 272-I

On copyright and neighboring rights

This Law was amended by Point 15 of the Law of the Republic of Uzbekistan No. 175-II dtd 15.12.2000

I. General

Article 1. Basic concepts

The following basic concepts are included into the present Law:

an author - is a natural entity (person) by whose creative labour a work has been created;

a record - is the creation of sounds and (or) images in any material form that permit to implement their frequent perception, playback or transmission with help of equipment;

a performer - is an actor, singer, musician, dancer or other person who plays, sings, reads, declaims, plays the musical instrument or performs works of literature or art in any way (including music-hall turn, circus or glove puppet role) as well as producer of performance and a conductor;

the publication (promulgation, making public) - is putting into circulation copies of work, audio record in quantity enough to satisfy reasonable requirements of the public and, proceeding from the nature of work, audio record;

works of decorative (applied) art - is two-dimensional or three dimensional work of art transferred on the objects of practical use including work of vernacular art or works, manufactured by industrial method;

audio record - is any exclusively sound record of some performance or other sounds;

a copy of work is a copy of work produced in any material form;

a copy of audio record - is a copy of audio record on any material medium produced directly or indirectly from audio record and including total sounds or their part fixed in that audio record.

#### Article 2. Legislation of the Republic of Uzbekistan on copyright and neighboring rights

The legislation of the Republic of Uzbekistan on copyright and neighboring rights regulates relationship in the sphere of intellectual property arisen in connection with the creation and use of works of science, literature and culture (copyright), productions, performances, audio records, broadcasts of on-air and cable broadcasting organizations.

#### Article 3. International agreements

If a certain international agreement signed by the Republic of Uzbekistan lays down rules and regulations other than those contained in the legislation of the Republic of Uzbekistan on copyright and neighboring rights, the former are applicable.

## II. Copyright

#### Article 4. Purview of copyright

Copyright is applicable to:

works that have been published or being in any objective form in the territory of the Republic of Uzbekistan irrespective of citizenship of authors and their legal successors;

works either published or being in any objective form outside the Republic of Uzbekistan and recognized as copyright of authors (their legal successors) who are citizens of other states in keeping with the international agreements concluded by the Republic of Uzbekistan.

A work is considered to be published in the Republic of Uzbekistan if it has been published in the Republic of Uzbekistan within thirty days after the date of its first publication outside the Republic's territory.

When granting protection to work in the Republic of Uzbekistan according to international agreements signed by the Republic of Uzbekistan, an author of a work is defined under Law of the state on whose territory a legal fact serving the grounds to possess copyright,

took place.

#### Article 5. Works protected by copyright (objects of copyright)

Copyright is applicable to works of science, literature and art being a result of creative activity irrespective of purpose and merits as well as the way of their expression.

A work is to be expressed in oral, written or other objective form giving possibility of its perception.

A work in written form or expressed in any way on material medium (manuscript, typescript, music record, record with help of equipment, including audio - or video records of images in two-dimensional or three dimensional forms, etc.) is considered to have objective form irrespective of its accessibility for third persons.

Oral or other work not expressed on material medium is considered to have an objective form if it is available (accessible) for perception by third persons (public speech, public performance, etc.)

Copyright is applicable both to published works and not published ones.

Copyright is not applicable to ideas, conceptions, principles systems, decisions being suggested and discoveries of phenomenon objectively existed.

It is not required to register work or observe any other formalities for the purpose of copyright beginning.

#### Article 6. Types of objects of copyright

The following is considered to be the objects of copyright:  
literary work (fiction and poetry, scientific, educational, publicistic works, etc.)

dramatic works and scripts;

musical works with text and without it;

musical and dramatic works;

choreographic works and pantomimes;

audio-visual works (cinemafilm, telefilm, videofilm, slides, transparency film and other cinema-, tele- and videoworks, radioworks);

works of painting, sculpture, graphic, design and other works of fine art;

works of decorative and dramatic art;

works of architecture, town planning and landscape art;

photographic works and works made by the same way as photographs are made;  
geographical, geological and other maps, plans, drafts and works associated with geography, topography and other sciences;  
software including applications and operating systems;  
other works that meets the requirements stipulated in article 5 of the present Law.

#### Article 7. Parts of work and derivative works

Parts of work, their names and derivative works that meet the requirements specified in article 5 of the present Law are the objects of copyright.

Derivative works are as follows:

works received as a result of throughout revision of other works (adaptations, annotations, abstracts, resumes, reviews, dramatizations, arrangements and the other similar works of science, literature and art) translations;

collections (encyclopedias, anthologies, data bases) and other composite works being the result of creative labour according to selection and arrangement of materials.

Derivative works are protected by copyright irrespective of whether works on which they are based or which they include, are the objects of copyright.

#### Article 8. Works and similar results of activity not being the objects of copyright

The following are not the objects of copyright:

official documents (law, resolutions, decisions, etc.) as well as their official translations;

official symbols and signs (flags, arms, orders, banknotes, etc.);

national creative works;

reports about the news of the day or current events having the nature of usual press conference;

results received with help of equipment designed for some kind of production without the person's implementation of creative activity directly associated with the creation of individual work.

#### Article 9. Rights for drafts of official documents, symbols and signs

A copyright for draft of official document, symbol or a sign belongs to a person who created the draft (a developer).

The developers of drafts of official documents, symbols and signs enjoy the right to publish such drafts if it is not banned by an agency by whose instruction the draft has been worked out. When publishing a draft, the developers have the right to mention their names.

If the draft has been published by the developer or forwarded to the relevant authority, it can be used by the competent authority to prepare official document without the developer's consent.

When preparing official documents, symbols and signs on the basis of the draft, the relevant amendments and supplements can be introduced into it at the discretion of authority implementing the preparation of official document, symbol or a sign.

After approval of the draft by the competent authority, it can be used without the indication of the developer's name.

#### Article 10. An author of a work. Presumption of authorship.

An author of a work is recognized to be an individual by whose creative activity such a work has been created.

Unless otherwise provided, an individual is considered to be an author of a work if his name has been indicated when such a work has been published first time.

When publishing the work anonymously or under pen-name (with the exception of cases when an author's pen-name, is known) a publisher, whose name is mentioned on the work, if there is no other proofs, is considered to be an author's representative; in such case he enjoys the right to protect an author's right and provide their implementation. Such a provision is effective until an author of the given work discloses his personality and declares about his authorship.

#### Article 11. Co-authorship

Copyright for a work created by joint creative labour of two or more individuals belongs to co-authors jointly irrespective of whether such a work forms one uninterrupted whole or it consists of independent parts.

A part of a work is recognized as independent one if it can be used irrespective of other parts of such a work.

Unless otherwise provided by an agreement between co-authors, every of co-authors, at his own discretion, has the right to use an independent part of a work created by him.

Relations between co-authors are defined, as a rule, on the basis of an agreement. If such an agreement is not available, copyright for a work is implemented by all authors jointly and author's royalties is distributed between them equally.

If co-authors have created inseparable work, they have no

right to ban the use of the work without sufficient grounds.

#### Article 12. Authors of film

Authors (co-authors) of cinematograph, telefilm and videofilm are:  
a director;  
a script writer;  
an author of musical work with text or without it specially created for the given audio-video work;  
a director of photography;

Authors of other works used in the film can be members of co-authors's staff of such a work as agreed with the indicated authors;

Authors of works used in film both existed earlier and created in the process of shooting a film, retain their authorship; every author retains his authorship for his independent work irrespective of authorship for the film in the whole.

#### Article 13. Authors of derivative works

Individuals who adapted other works, translators, authors (compilers) of collections and other compound works are recognized as the authors of derivative works.

An author of derivative work enjoys the copyright for such a work provided that he observes rights of an author of a work undergone adaptation, translation or inclusion into compound work.

A copyright of creators of derivative works is not a prevention for other persons to create their derivative works on the basis of works used earlier.

#### Article 14. Authors of interview

Copyright for recording an interview belongs both to a person who gave an interview and to a person who did an interview and recorded it; they are considered to be co-authors unless otherwise provided by an agreement concluded between them.

Publishing and transfer of recorded interview is permitted only with consent of a person who gave an interview.

#### Article 15. Rights of persons organizing the creation of works

Persons organizing the creation of works (publishers of encyclopaedias, makers of films, producers, etc.) are not recognized as the authors of the corresponding works. However, in cases stipulated in the present Law or other laws, such persons acquire exclusive rights for the use of such works.

Publishers of encyclopaedias, encyclopaedic dictionaries, periodical and continuing collections of scientific works, newspapers, magazines and other periodicals have an exclusive right to use such publications. The publisher, when use such publication in any way, enjoys the right either to indicate his name or to demand such an indication.

Unless otherwise provided by an agreement for the creation of a work, authors of works included into such publications, preserve the right for the use of their works irrespective of publication (edition) as whole.

Unless otherwise provided by an agreement, the conclusion of an agreement the for creation of audio-video work, including film, does not entail the transfer of exclusive rights by authors of such a work to its maker for the reproduction, distribution, public performance, cable transmission for public information, broadcasting or other public use of a work as well as its transfer for caption and film dubbling. The indicated rights are effective within the term of copyright validity for audio-video works.

The maker of a film, when use such a work in any way, enjoys the right either to indicate his name or to demands such an indication.

When public show of a film is implemented, an author of a musical work (with the text or without it) retains the right to reward for public performance of his musical work.

The liquidation of final variant of a film (original record) is banned without consent of an author and other owners of property rights for a film.

#### Article 16. Signs of copyright protection

An owner of exclusive copyright can, for the purpose of notification about his rights, use a sign of copyright protection that should be placed on every copy of his work; such a sign consists of three elements:

- latin letter "C" in circumference;
- the name of an owner of exclusive copyrights;
- the year of first publication of a work.

Unless otherwise proved, the copyright owner is considered to be a person specified in a sign of copyright protection.

#### Article 17. Personal non-property copyrights

The following non-property personal rights belong to an author of a work:

- the right of authorship;
- the right for an author's name;
- the right for inviolability of a work;

An author's agreement with somebody and an author's application regarding refusal of the implementation of non-property personal exclusive rights are void.

#### Article 18. The right of authorship

The right of authorship for a work created by an author (co-authors) and belonging to him (them) excludes the recognition of other person's ownership for such a work.

#### Article 19. The right for an author's name

An exclusive right to use or allow to use a work under the author's name, pen-name or anonymously belongs to an author (right for author's name).

#### Article 20. The right for inviolability of a work

An author has an exclusive right for the introduction of amendments and supplements into his work as well as for the protection of his work from the introduction of amendments and supplements into it without an author's consent (the right for inviolability of a work).

When publication, public performance or other use of a work is implemented, the introduction of any amendments and supplements both into the work itself, its name, and an author's name is permitted only with an author's consent.

When publishing an author's work, the introduction of illustrations, prefaces, epilogues, explanatory notes, or any other explanations is banned.

After an author's death, the protection of inviolability of a work is fulfilled by a person indicated in the will; if there is no such directions - by an author's heirs, as well as by persons who are responsible for protection of an author's rights under Law.

#### Article 21. The right for work publication

The author possesses the right to open access to a work for an uncertain quarters (the right for publication).

A work is considered to be published when by authors or according to an author's consent the access to work is opened for uncertain quarters by publishing, public performance, public show of a work or by other way of its appearance.

An author has the right to refuse of a decision taken earlier on publishing a work (the right for withdrawal) provided the compensation for losses, including lost profit, caused by such



a decision to persons who received the right to use a work. If the work has been published, an author is to notify openly about its withdrawal. At the same time he has the right to withdraw copies of work created earlier at his own expenses.

Unless otherwise provided by an agreement concluded with an author, such provisions are also applicable to official works.

#### Article 22. Copyright for the use of a work

An author has an exclusive right for the use of a work in any form and in any way.

The use of a work is considered as its reproduction and distribution as well as its realization in any way including the following:

- public show (exhibition) of a work;
- hire of a copy being a material medium of a work;
- public performance of a work;
- broadcasting of a work (radio and TV broadcasting) including cable or satellite transmission;
- technical recording of a work;
- the reproduction of technical record of a work including radio and TV broadcasting;
- the translation or adaptation of a work for their further use;
- practical realization of town planning, architectural or design projects.

The reproduction is considered as giving an objective form to a work second time if only that form, which an original work had (publishing of a work, copying of audio-and video records, etc.)

The distribution of works is considered to be the sale, exchange, hire or other operations with copies of a work, including their import.

If copies of works have been alienated lawfully, then their further distribution is permitted without an author's consent and payment of remuneration (reward) with the exception of cases stipulated in the legislation.

A work is considered to be used, irrespective of whether it has been used for the purpose to derive income (profit) or it has been used for other purpose.

Practical application of provisions containing in a work (inventions, other technical, economic, organizational and similar decisions) does not mean the use of copyright for such works.

#### Article 23. Depositing of works

Depositing of manuscripts of works, other works on material medium including software is recognized as the use of a work if

such depositing of a work is implemented in a storage (depository) accessible for everyone and permits the receipt of a copy of a work by anybody who applies to that depository according to an agreement concluded with the depository.

Depositing of a work is implemented on the basis of an agreement concluded by the possessor of the right for the use of a work (the possessor of right) with the depository establishing the terms and conditions of the use of a work. Such an agreement and an agreement concluded by the depository and the user are public.

#### Article 24. Disposal of right for the use of a work

An author or other possessor of right can, according to an agreement, including one concluded at public auction, assign all rights for the use of a work to the other person (alienation of rights for the use).

The right for the use of a work is transferred in accordance with the procedure of universal legal succession.

The possessor of right can issue a permit (a licence) for the use of a work within the definite limits to the other person. Such a licence is required for the use of a work both as an original and as an adapted work, in particular, as a translation, arrangement, etc.

Every way of the use of a work requires special permit of the possessor of right.

#### Article 25. The right of access to works of fine art

An author of a work of fine art has the right to demand from an owner of a work granting of possibility to implement the right for the reproduction of his work (the right of access). With that, an author can not demand from the owner of a work its delivery to him.

#### Article 26. Limitation of copyrights

The limitation of exclusive rights of an author and other persons for the use of a work is permitted only in cases provided by articles 17-21 of the present Law or by other laws.

The foregoing limitations are applicable on condition that such limitations do not injure unwarranted harm to normal use of a work and do not hurt an author's legal interests in unfounded way.

#### Article 27. Reproduction of somebody else's work for personal purposes

The use of somebody else's published work for personal purposes

is permitted without an author's consent and payment of author's royalty if, at the same time, harm is not injured to normal use of a work and legal interests of authors are not hurt.

The rules of part one of the present article are not applicable to relations on:

the use of works of architecture in a form of buildings and the similar constructions;

the use of data bases or their essential parts;

the use of software with the exception of cases stipulated by Law;

the reproduction of books (in whole) and music texts;

As an exception, Law can define that in the event of the use of audio-and video records for personal purposes, an author, performer and a producer of the relevant record have the right to receive corresponding reward.

The reward for the production is to be paid in the form of contribution (interests) by producers or importers of equipment (audio apparatus, videorecorders, etc.) and material mediums (audio- and (or) video- tapes, cassetts, laser discs, compact discs, etc.) that are used for such reproduction (playback).

#### Article 28. The free use of works with the indication of an author's name

The following free use of a work with the indication of an author's name and a source of borrowing is permitted provided that harm is not injured to normal use of a work and legal interests of an author are not hurt:

the reproduction and distribution of a work for scientific, research, critical and information purposes in the form of quotations (in original language and in translation) from published works as well as in the form of parts of newspaper and magazine's articles in volume justified by the purpose of quotation;

the reproduction, technical recording and broadcasting of published works in the form of illustrations in editions, educational and training radio-and teleprograms, audio-and video records in volume justified by the target;

the reproduction in newspapers, broadcasting of articles on current political, economic, social and religious matters published in newspapers and magazines as well as broadcasting of works of the same character with the exception of cases when such use was specially banned by Law.

the reproduction in newspapers, broadcasting of public political speeches, addresses, reports and other similar works in volume justified by the target;

the reproduction, public show, broadcasting of works in the

review of current events, that can be seen or heard in the course of such events in volume justified by information target;

the reproduction of works published (appeared) without the derivation of profit by relief-dot font or by other means for blind persons with the exception of works specially created for such use.

#### Article 29. The use of works by means of reproduction

The following reproduction is permitted without the purpose to derive profit, without an author's consent and payment of author's royalties, but with obligatory indication of the author's name whose work is used as well as indication of source of borrowing:

the reproduction of a work by libraries and archives for restoration, substitution of lost or spoilt copies as well as giving of copies of a work to the other libraries which, for some reason, have lost such works from their funds;

the reproduction of some articles and small works, lawfully published in collections, newspapers and other periodicals, as well as short fragments from lawfully published written works (with illustrations or without them) by libraries and archives at the request of citizens for training and research purposes as well as by educational establishments for auditorium lessons.

#### Article 30. Free use of works located permanently in places opened for free visiting

The reproduction, broadcasting or transmission through cable for public notification, of works of architecture, photography, fine art, that are located permanently in places opened for free visiting, is permitted without an author's consent and payment of author's royalties. This rule is not applicable to cases when an image of a work is the general object of such reproductions, broadcasting or cable transmission as well as to cases when an image of a work is used for commercial purposes.

#### Article 31. Free public performance of works

Public performance of lawfully published musical works during official, religious and burial ceremonies in volume justified by the nature of such ceremonies is permitted without an author's consent and payment of author's royalties.

#### Article 32. Free reproduction of works for judicial purposes

Performance of works for the purpose of judicial and

administrative proceedings in volume justified by the purpose of use, is permitted without an author's consent and payment of author's royalties.

Article 33. Free record of works by on-air broadcasting organizations for the purpose of short-term use

On-air broadcasting organization has the right, without consent of an author or other possessor of right and without payment of additional reward, to make a record of a short-term use of a work with regard to which such an organization received the right for broadcasting provided that such record is made by on-air broadcasting organization with help of its own equipment and for its own broadcasts.

The organization is to liquidate such a record within six month after its production, unless more long term agreed with an author of recorded work. Such a record can be stored without an author's consent in official archives if such a record is exclusively documentary.

Article 34. Limitation of rights of a person being an owner of software copy or data base

The right of a person, being an owner of software copy or data base, for reproduction and alteration of software or data base for the further personal use, is defined by Law.

Article 35. The right for official work

Copyright for a work created in the course of implementation of official task (official work) belongs to an author of such a work.

The right for the use of official work in the way due to the purpose of task and within the limits proceeding from it, belongs to a person according to whose instruction a work has been created and with whom an author has labour relations (employer), unless otherwise stipulated in the agreement concluded between such a person and an author.

An agreement concluded between an employer and an author can provide the payment of reward to an author for the use of official work as well as it may contain other conditions of its use.

Upon expiration of ten years from the moment of a work presentation, and with an author's consent - earlier, an author acquires the right for the use of work and receipt of author's royalties irrespective of an agreement concluded with the employer.

An author's right to use official work in way not provided by

purpose of task, is not limited.

#### Article 36. Validity of copyright in the Republic of Uzbekistan

Copyright for a work which either has been published (appeared) for the first time in the Republic of Uzbekistan or has not been published (appeared) but which original exists in the Republic's territory in any objective form, is valid in the Republic of Uzbekistan. In this case copyright belongs to an author and his successors as well as to the other legal successors of an author irrespective of their citizenship.

Copyright is also belongs to citizens of the Republic of Uzbekistan whose works have been published (appeared) for the first time or exist in any objective form in the territory of a foreign state; it also belongs to their heirs and other legal successors.

When granting legal protection to an author in accordance with the international agreements, the fact of publishing (appearance) of a work in the foreign state is defined according to provisions of the relevant international agreement.

For the purpose of protection of a work in the Republic of Uzbekistan, a person, recognized as an author of a work, is defined according to laws of the state in which territory such a work was protected for the first time.

#### Article 37. The beginning of copyright validity

Copyright for a work is effective from the moment of giving an objective form to a work, easy for perception by third persons irrespective of its publishing (appearance). Copyright for oral work is effective from the moment of its transmission to the third persons.

If action of article 36 of the present law is not applicable to work, copyright for such a work is protected from the moment of the first publication of a work if it is has been implemented in the Republic of Uzbekistan.

#### Article 38. Term of copyright validity

Copyright is valid during the whole life of an author and fifty years after his death from the first of January of the year following the year of an author's death.

Copyright for a work created by co-authors is valid within the co-authors' life and fifty years after death of the last author outlived other co-authors.

Copyright for a work, published (appeared) for the first time

under pseudonym or anonymously is valid within fifty years from the first of January of the year following the year when such a work has been published (appeared).

If, within the indicated term, anonymous author or pseudonym are disclosed, then terms indicated in part one of the present article, are applied.

Copyright belongs to an author's heirs and descended within terms specified in part one of the present article. Within these terms copyright belongs to legal successors who received such a right under an agreement concluded with an author, his heirs and subsequent legal successors.

Copyright for a work that has been published (appeared) for the first time within fifty years after an author's death, is valid within fifty years after its appearance from the first of January of the year following the year when such work appeared.

Authorship, an author's name and inviolability of work are protected permanently.

#### Article 39. Passing of a work into the public property

Upon expiration of copyright validity for a work, it becomes the public property.

Works that have never been protected in the Republic of Uzbekistan are considered to be the public property.

Works being the public property, can be used freely by any person without payment of author's royalty. At the same time, right of authorship, right for the name and inviolability of a work, should be observed.

#### Article 40. The author's agreement

An author or his heir can transfer the right for the use of his work to the other person by conclusion of the author's agreement. The author's agreement is expected to be payable.

The author's agreement can be concluded for ready work or one which an author undertakes to create (the agreement of order). The agreement being concluded by an author or his heirs for the permit to use a work within one or other limits (the author licence contract) is also considered to be the author's agreement.

#### Article 41. Terms of the author's agreement

The author's agreement should provide the following:  
the ways of use of a work (concrete rights being assigned according to the given agreement);  
an amount of remuneration and (or) the procedure for the

determination of remuneration for every way of the use of a work, the order and terms of its payment.

If the clause regarding term for which the right for the use of work is assigned, is not stipulated, such agreement can be cancelled by an author upon expiration of five years from the date of its conclusion, if the user is notified in written form about that six months prior to the agreement cancellation.

If the clause regarding territory in which the right for the use of a work is valid, is not stipulated, validity of right being assigned according to the agreement, is limited by the territory of the Republic of Uzbekistan.

Rights for the use of a work, unknown on the date of the agreement conclusion, can not be the subject of the author's agreement.

An amount of remuneration for the use of a work is stipulated in the author's agreement under the agreement with parties.

If an amount of remuneration is defined as fixed sum in the author's agreement on publication or other implementation of a work, than maximum print run of a work should be stipulated in such agreement.

The refusal of authors or his heirs of right to receive remuneration is void.

Rights assigned under the author's agreement, can be transferred by any party of the agreement partly or completely to other persons only in case when such fact is directly stipulated in such agreement.

#### Article 42. Form of the author's agreement

The author's agreement can be concluded in written form with the exception of cases provided by the legislation.

#### Article 43. Responsibility under the author's agreement

A party failed to perform obligations under the author's agreement or performed them improperly, is to compensate for losses inflicted to the other party including lost profit.

#### Article 44. Term of validity of the author's licence agreement

The author's licence agreement is valid within the term stipulated in it, but not more than term of copyright validity.

An author of a work or his heirs, irrespective of the indication of a clause regarding term of the agreement's validity, has the right, upon expiration of 10 years from the date of the agreement conclusion, to conceal it from his side; with that, he should notify his partner in written form six months prior to the agreement cancellation. Such right is arisen at an author or his heirs every ten years.



The contract can provide terms for the use of a work; violation of such terms entails the right of possessor of right to cancel the contract.

#### Article 45. Management of copyrights

A possessor of right enjoys the right to implement rights belonging to him at his own discretion.

The persons other than a possessor of right can manage copyrights only with consent of a possessor of right and within the limits of power granted to them with the exception of cases when a legal representative executes representation.

Possessors of copyrights and neighboring rights can create organizations that should implement management of copyright and neighboring rights. Such organizations represent possessors of copyright and neighboring rights within authorities granted them by an agreement concluded with possessors of right and within their competence. Organizations that manage copyrights and neighboring rights operate on the ground of licences issued by the state agency defined by the Government of the Republic of Uzbekistan and under control of such an agency. They have no rights to do business and implement the use of works.

Organizations executing management of copyright and neighboring rights are to undertake orders of possessor of copyright or neighboring rights applied to them. The execution of order can be implemented by such organizations on the basis of adhesion contract worked out by them. The agreement can provide the compensation by the possessor of right for losses born by the organization, to such an organization.

Organizations implementing management of copyrights and neighboring rights, on the basis of authorities received under an agreement, present licences for the relevant ways of the use of works or objects of neighboring rights to the other persons (users). Conditions of such licences can not be the same for all users of one category and it can not be refused to issue licence without sufficient grounds.

Besides organizations specified in part three of the present article, any persons can represent possessors of copyright and neighboring rights on the usual terms.

#### Article 46. Responsibility for wrongful use of works without the agreement

When using a work without the agreement with the possessor of right, the violator is to compensate for losses, including lost profit, to a possessor of right. A possessor of right has the right to

recover from the violator income received by him due to violation instead of losses.

The use of work in the way not provided by the author's agreement or upon termination of such agreement, is considered as the use of work without the agreement.

### III. Neighboring rights

#### Article 47. Object of neighboring rights

Neighboring rights are applicable to productions, performances, audio- and video records of performance (record of performance), broadcasts of on-air and cable broadcasting organization.

#### Article 48. Subjects of neighboring rights

The right for performance belongs to performers - actors, directors, conductors as well as to their heirs. The right for the use of such performance can be transferred to the other legal successors.

The right for record of performance belongs to a person created such a record or to his legal successors.

The right for broadcasting belongs to on-air broadcasting organization created the broadcast, or to its legal successors.

#### Article 49. Signs of protection of neighboring rights

A producer of a record of performance and a performer can, for the purpose of notification about his rights, use a sign of protection of neighboring rights that should be placed on every copy of audio- and video record and (or) on every case containing it; such a sign consists of three elements:

- latin letter "C" in circumference;
- the name of an owner of exclusive neighboring rights;
- the year of first publication of a record.

#### Article 50. The right of a performer

The performer possesses the right for:  
the indication of his name when he performs, as well as on copies of record of performance when broadcasting or playback of performance.

- the protection of performance from distortion;
- the implementation or permit to use performance.

The right for the use of performance includes the right to permit the following:

- on-air or cable broadcasting of performance;

the record of performance with help of equipment;  
broadcasting and public playback of a record of performance;  
copying and distribution of copies of a record of performance.  
Performers executes their rights observing the rights of  
authors of works being performed.

Limitations of right for the use of performance are established  
by Law.

Provisions of article 35 of the present Law are applicable to  
the right for performance implemented in the course of execution of  
official task (official performance).

#### Article 51. Validity of performer's rights

A performer's right for performance for the first time that  
took place in the Republic of Uzbekistan is effective in the Republic  
of Uzbekistan. In this case the right belongs to a performer, his  
heirs as well as to the other performer's legal successors irrespective  
of citizenship. The right of a performer also belongs to him in cases  
when such performance has been executed in foreign state for the first  
time, as well as such right also belongs to his legal successors.

The rights of a performer are effective from first record or  
first performance (staging) within fifty years.

The right of a performer for the name and the right for  
protection of a performer from distortion are protected permanently.

#### Article 52. The use of performance

A performer and other possessor of right for performance is  
entitled to use such right at his own discretion independently.

The use of performance by other persons is permitted only with  
consent of a performer or other possessor of right on the ground of an  
agreement concluded with him.

#### Article 53. Disposal of right for the use of performance

The possessor of right can conclude an agreement on assignment  
of his rights for the use of performance to the other person including  
issuance of permit (licence) for the use of performance within definite  
limits to the other person.

A performer or his legal successor have the right to  
remuneration for the permit to use performance. Special remuneration  
shall be paid for every way of the use.

Refusal of the right for remuneration is void.

#### Article 54. The right of a person created record of performance

A creator of audio record, video record, audio-video record of performance as well as his legal successor have an exclusive right for such a record.

The use of such a record by other persons is permitted only with consent of a record's creator or his legal successor.

A creator of a record of performance or his legal successor have the right to execute or permit the following:

- public playback of a record;
- the alteration or other reprocessing of a record;
- the distribution of copies of a record (the sale, hire, etc.)

including their transfer abroad;

- The Paragraph introduced by Sub-point 1) of Point 15 of the Law of the Republic of Uzbekistan No. 175-II dtd 15.12.2000
- copying of a record;
- import of copies of a record.

If the right of ownership for a copy of a record of performance belongs not to its creator, an exclusive right for the use of a record including its commercial hire, belongs to a person created a record;

The limitation of rights of a creator of a record of performance is established by Law.

Possessors of rights for a record of performance execute their rights with taking into account rights of authors of works and rights of performers.

#### Article 55. Remuneration for the use of a performer's record

The following is permitted without consent of a creator of a record of performance that has been published for the purpose to derive profit as well as without consent of a performer whose performance has been recorded, but with payment of remuneration:

- public performance of a record;
- record broadcasting;
- cable transmission of a record for public information;

The collection, distribution and payment of remuneration provided by part one of the present article are executed by an organization that manage copyright and neighboring rights (article 45 of the present Law).

An amount of remuneration provided by part one of the present article and the procedure for of its payment are defined by an agreement concluded by the user of a record or an association of such users on the one part and organizations that manage copyright and neighboring rights on the other part.

An amount of remuneration is established for each type of the use of a record.

## Article 56. Validity of rights of a creator of a record of performance

The right of a creator of a record of performance is effective in the Republic of Uzbekistan if such a record has been played for the first time publicly or its copies have been distributed publicly in the Republic of Uzbekistan.

The right of a creator of a record of performance is also belongs to the citizens of the Republic of Uzbekistan or legal entities who reside or located permanently in the Republic of Uzbekistan.

Paragraph introduced by Sub-point 2) of Point 15 of the Law of the Republic of Uzbekistan No. 175-II dtd 15.12.2000

Legal and natural entities of other states enjoy rights, stipulated in the present Law, on an equal footing with legal and natural entities of the Republic of Uzbekistan either under international treaties signed by the Republic of Uzbekistan or on the ground of a principle of reciprocity;

The right of a creator of a record of performance is effective from the moment the record has been created within fifty years.

## Article 57. Rights of on-air broadcasting organization

Exclusive right to use own broadcast in any form and give permit to use such a broadcast by third person, belongs to on-air broadcasting organization.

The use of a broadcast by third persons is implemented under an agreement. The possessor of right enjoys the right for remuneration for every type of use.

On-air broadcasting organization has the right to:

implement broadcast translation;

permit other on-air broadcasting organizations and cable broadcasting organizations to translate and retranslate their broadcasts at the same time;

implement record of their broadcasts;

playback record of their broadcasts;

distribute copies of played broadcast;

permit translation and simultaneous translation, retranslation and translation of a record of their broadcasts through cable;

implement public translation and playback in places where entrance is paid; to allow other persons to execute such a translation and playback.

Limitation of rights of on-air broadcasting organizations is established by Law.

On-air broadcasting organization executes its rights with taking into account rights of authors of a work and rights of

performers, and in some cases - possessors of rights for a record of performance and other on-air broadcasting organizations.

#### Article 58. Validity of rights of on-air broadcasting organization

The rights of on-air broadcasting organization are effective in the Republic of Uzbekistan if such an organization is located in the Republic and implements broadcasts with help of transmitters located in its territory.

The right of on-air broadcasting organization for a broadcast is effective from the moment it has been broadcasted for the first time within fifty years.

#### Article 59. Rights of cable broadcasting organization

Rights of cable broadcasting organization are established in conformity with rights of on-air broadcasting organizations, set up by the present Law.

#### Article 60. Limitations of rights of a performer, creator of a record of performance by on-air or cable broadcasting organization

The use of performance, staging, on-air and cable broadcasting and their record is permitted without consent of a creator of a record of performance, on-air or cable broadcasting organization and without payment of remuneration as well as playback of a record:

by insert of small fragments from a performance, staging, record, on-air or cable broadcasting into review of the current events;  
exclusively for purpose of training or research investigation;  
in the form of quoting of small fragments from a performance, staging, record, on-air or cable broadcasts provided that such a quoting is implemented for the purpose of information; at the same time, any use by on-air or cable broadcasting organization of copies of a record published for commercial purposes and on-air or cable broadcasts is executed with the observation of provisions stipulated in article 55 of the present Law;

in other cases provided by the present Law with regard to limitation of property rights of an author of works of literature, science and art.

On-air or cable broadcasting of a broadcast and its record and playback of sound record for personal purposes is permitted without consent of a producer of a sound record, on-air or cable broadcasting organization. Playback of sound record is permitted provided payment of remuneration in accordance with article 27 of the

present Law.

Provisions of articles 50, 54, 58 and 59 of the present Law with regard to get permit of a performer, creator of a record of performance and on-air broadcasting organization for the implementation of records of short-term use of performance, staging or broadcast, playback of a record published for commercial purpose, are not applied if a record of short-term use or playback are executed by on-air broadcasting organizations with help of its own equipment and for its own broadcast provided:

preliminary receipt by on-air broadcasting organization of permit for broadcasting of staging itself, performance or broadcast with regard to which a record of short-term use or playback of such a record is implemented in keeping with the provisions of the present article;

the liquidation of a record of short-term use within a period that is established with regard to such records of works of literature, science and art (article 33 of the present Law), with the exception of a sole copy that can be kept in official record-keeping offices if such a record is documentary.

Limitations provided by the present article are applied without prejudice to normal use of performance, a record of performance, staging, on-air or cable broadcasting and their records as well as to works of literature, science and art included into them and without hurting law interests of a performer, a creator of a record of performance, on-air and cable broadcasting organizations and authors of indicated works.

Article 61. Responsibility for non fulfillment or  
improper fulfillment of an agreement on  
the use of neighboring rights and for  
wrongful use of a work without an agreement

A person who did not fulfil or fulfilled an agreement on the use of neighboring rights improperly, or who used a work wrongfully without an agreement, is responsible for non fulfillment or improper fulfillment of an agreement according to common rules on responsibility or is responsible, respectively, for injuring harm.

The President of the  
Republic of Uzbekistan

I. Karimov

City of Tashkent  
August 30, 1996  
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