

**LAW
OF THE RUSSIAN FEDERATION
NO. 3523-1 OF SEPTEMBER 23, 1992
ON THE LEGAL PROTECTION OF COMPUTER PROGRAMMES AND DATA BASES**

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Resolution of the Supreme Soviet of the Russian Federation
No. 3524-1 of September 23, 1992 on Entry into Force of the
Law of the Russian Federation on Legal Protection of Computer
Programmes and Data Bases

Resolution of the Supreme Soviet of the Russian Federation No.
3525-1 of September 23, 1992 on Re-examination of the Law of
the Russian Federation on Legal Protection of Computer
Software and Base Data

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic concepts

1. Basic concepts to be used in this Law:

A computer programme is an objective form of presenting a collection of data and commands designed for the functioning of computers and of other computer devices with a view to obtaining a certain result. A computer programme shall also mean any preparatory material obtained during the course of its development and the audio-visual images generated by it;

A data base is an objective form of presenting and organizing a collection of data (for example, items or calculations) systematized in such a way that these data may be found and processed by a computer;

An adaptation of a computer programme and data base is the introduction of changes made exclusively for the purpose of ensuring the functioning of a computer programme and data base on the user's specific hardware or under the control of the user's specific programmes;

Modification (alteration) of a computer programme or data base are any changes other than adaptation;

Decompilation of a computer programme is a technique that includes the transformation of the object code into the initial text for the purpose of examining the structure and coding of the computer programme;

The reproduction of a computer programme and data base is the manufacture of one or more copies of a computer programme and data base in any material form, as well as storing them in the computers' memory;

The distribution of computer programmes and data bases implies access to computer programmes and data bases reproduced in any material form, including through networks and by other methods, and also by selling, hiring, leasing, and lending, including by importing for any of these aims;

The issue (publication) of computer programmes and data bases is the process of making available copies of computer programmes and data bases with the author's consent to an indefinite number of persons (including by saving in the computer memory and bringing them out as printed text), provided the number of such copies must satisfy the requirements of this range of persons, taking into account the nature of the products indicated;

The use of computer programmes and data bases is their issue, reproduction, distribution and

other actions on their putting into general use (including a modified form). Mass media information about issued computer programmes and data bases shall not be considered as their use.

2. The copyright owner under this Law shall mean the author, his or her heirs, and also any natural or legal person who enjoys the exclusive property rights secured by virtue of the law or a contract.

Article 2. Relations Regulated by This Law

1. This Law and legislation of the Republics within the Russian Federation adopted on its basis shall regulate the relationships involved in the development, legal protection and the use of computer programmes and data bases.

2. Computer programmes and data bases shall be considered under this Law as objects of copyright. Computer programmes shall enjoy legal protection as literary works and data bases as anthologies.

On copyright to computer programs and databases see also [Law of the Russian Federation No. 5351-1 of July 9, 1993](#)

Article 3. The Objects of Legal Protection

1. Copyright shall apply to any computer programmes and data bases, both issued and not issued, which exist in an objectivized form, regardless of their material carrier, designation and merits.

2. Copyright shall apply to computer programmes and data bases which are the result of the author's creative effort. The creative nature of the author's effort shall be assumed until proved otherwise.

3. The legal protection afforded by this Law shall apply to all kinds of computer programmes (including operating systems and programme complexes) which may be expressed in any language and in any form, including the original text and object code.

4. The legal protection afforded by this Law shall apply to data bases which are the result of a creative effort to select and organize data. Data bases shall be protected, regardless of whether the data on which they are based or which they include are objects of copyright.

5. The legal protection afforded by this Law shall not apply to the ideas and principles underlying computer programmes and data bases or some element thereof, including the ideas and principles of organizing the interface and algorithm, as well as programming languages.

6. The copyright to computer programmes and data bases shall not be related to the right of ownership of their material carrier. Any assignment of the rights to a material carrier shall involve no transfer of the author's rights with regard to computer programmes and data bases.

Article 4. The Terms for the Recognition of the Copyright

1. The copyright to computer programmes and data bases shall accrue by virtue of their creation. No depositing, registration or other formalities shall be required for the recognition and exercise of the copyright to computer programmes and data bases.

2. The copyright owner, to proclaim his rights, may, beginning with the first issue of a computer programme or a data base, use a copyright symbol consisting of three elements:
the letter C in a circle or round brackets;
the designation (name) of the copyright owner;
the year of the first issue of a computer programme or of a database.

Article 5. The Copyright to a Data Base

1. The copyright to a data base consisting of materials that are not objects of copyright shall belong to the persons who have produced the data base.

2. The copyright to a data base shall be recognized, upon the terms that the copyright to every one of the works included in the data base is observed.

3. The copyright to every of the works included in a data base shall be preserved. These works may be used independently of the data base.

4. The copyright to a data base shall not prevent other persons from making an independent selection, or from organizing the works and materials included in the data base concerned.

Article 6. The Duration of the Copyright

1. The copyright shall be valid from the moment of the creation of a computer programme or a data base, for the duration of the author's life and for 50 years after his death, beginning from January 1 of the year that follows the year of the author's death.

2. The termination of the copyright to computer programmes and data bases created in co-authorship shall be calculated from the time of the death of the last author, who has outlived the other co-authors.

3. The copyright to a computer programme or a data base issued anonymously or under a pseudonym shall be valid from the moment of their issue for 50 years. If the author of a computer programme or a data base issued anonymously or under an assumed name reveals his personality within the period indicated or the name assumed by the author leaves no doubt as to his identity, the copyright period provided for in point 1 of this Article shall be applied.

4. The author's personal rights to a computer programme or a data base shall be protected indefinitely.

Article 7. The Scope of the Operation of This Law

The copyright to a computer programme or a data base first issued on the territory of the Russian Federation, or not issued but located on its territory in some objectivized form, shall operate on the territory of the Russian Federation. It shall be acknowledged as belonging to the author, his or her heirs or to other legal successors of the author regardless of their citizenship.

The copyright shall also be acknowledged as belonging to citizens of the Russian Federation or to their legal successors, whose computer programmes and data bases have been issued or are located in any objectivized form on the territory of a foreign State.

The copyright to computer programmes and data bases first issued or located in some objectivized form on the territory of a foreign State shall be acknowledged as belonging to other persons in accordance with the international treaties of the Russian Federation.

CHAPTER 2. EXCLUSIVE COPYRIGHT

Article 8. Authorship

1. The natural person whose creative effort has produced a computer programme or a data base shall be considered to be its author.

Should a computer programme and data base be developed through the joint creative efforts of two or more natural persons, each of these persons shall be recognized as the author of such a computer programme or a data base regardless of the fact whether or not the computer programme or data base concerned consists of separate parts, each of which is of independent value, or is indivisible.

2. In the event that parts of a computer programme or a data base are of independent value, each of the authors shall have the right of authorship in the part developed by him.

Article 9. Personal Rights

The author of a computer programme or a data base, regardless of his property rights, shall have the following personal rights:

the right of authorship, i.e., the right to be considered the author of a computer programme or data base;

the right to his own name, i.e., the right to determine the form of indicating the author's name in a computer programme or a data base: under his own name, under an assumed name (under the pseudonym), or anonymously;

the right of immunity (integrity), i.e., the right to protection for the computer programme or data base itself, and their names against any distortions or other encroachments liable to do damage to the author's dignity and honour.

Article 10. Property Rights

The author of a computer programme or a data base or any other copyright owner shall have the exclusive right to execute and/or allow the execution of the following actions:

the issue of a computer programme or a data base;

the reproduction of a computer programme or a data base (in full or in part) in any form and by any methods;
the distribution of a computer programme or a data base;
the modification of a computer programme or a data base, including the translation of the computer programme or a data base from one language into another;
any other use of the computer programme and data base.

Article 11. The Transfer of Property Rights

1. The property rights to a computer programme or a data base may be transferred in full or in part to other natural or legal persons under a contract.

The contract shall be concluded in writing and shall fix the following essential terms: the extent and methods of the use of a computer programme or a data base, the procedure for paying and the amount of remuneration, and the duration of the contract.

2. The property rights to computer programmes and data bases shall be inherited in the statutory manner.

Article 12. The Property Rights to Computer Programmes and Data Bases Developed in the Line of Duty

1. The property rights to computer programmes and data bases developed in line of duty or on the employer's assignment shall belong to the employer unless otherwise stipulated for in a contract between the employer and the author.

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

Article 13. The Right to Registration

See the [Order](#) of the Russian Legal Protection Agency No. 9p of March 5 concerning the Rules for the Registration of Agreements on Software for Computers, Data Base and Topology of Integral Microcircuits

on the state recording and registration of the databases and data banks see [Provisional Regulations](#) approved by the [Decision](#) of the Government of the Russian Federation No. 226 of February 28, 1996

1. The holder of all the property rights to a computer programme or to a data base may himself or through his representative during the period of copyright wish to register them by filing an application with the Russian agency for the legal protection of computer programmes, data bases and integrated circuit topologies (hereinafter referred to as the Agency).

2. An application for the official registration of a computer programme or a data base (hereinafter referred to as a registration application) must refer to one computer programme or one data base.

The registration application must contain:

an application for the official registration of a computer programme or a data base with the indication of the copyright owner, and also the author, if the latter has not refused to be mentioned as such, and their location (domicile);

materials to be deposited, identifying the computer programme or data base, including a summary;

a document confirming the payment of the registration fee in the established amount or the grounds for being exempted from paying the registration fee, and also for having its amount reduced.

The rules for making registration applications shall be determined by the Agency.

3. With the registration application filed, the Agency shall verify the availability of the necessary documents and their conformity with the requirements set forth in Point 2 of this Article. Given a positive result, the Agency shall enter the computer programme or data base concerned into the Register of Computer Programmes or the Register of Data Bases, then issue the applicant a certificate of the official registration, and publish information about the registered computer

programmes and data base in the Agency's official bulletin.

At the Agency's request or on his own initiative the applicant has the right: prior to the publication of information in the official bulletin to add to, update, and correct the materials of the application.

4. The procedure for the official registration, the forms of the certificates for the official registration and the body of data indicated therein shall be determined by the Agency. The Agency shall also determine a list of items to be published in the official bulletin.

5. The contract for the full assignment of all the property rights to a registered computer programme or data base shall be subject to registration with the Agency.

On the registration of agreements for computer software programs and databases see the [Rules approved by Order of the Russian Patent and Trademark Agency No. 245 of December 31, 1998](#)

Contracts for the transfer of the property rights to a computer programme or data base may be registered in the Agency upon the agreement of the parties.

6. The information entered into the Register of Computer Programmes or the Register of Data Bases shall be considered authentic until proved otherwise.

The responsibility for the authenticity of the information indicated shall be borne by the applicant.

7. Registration fees shall be charged for transactions connected with the official registration of computer programmes and data bases, contracts, and the publication of information.

The amounts, deadlines for payment of registration fees and also the grounds for the exemption from their payment or for the reduction of their amount shall be fixed by the Government of the Russian Federation.

CHAPTER 3. THE USE OF COMPUTER PROGRAMMES AND DATA BASES

Article 14. The Use of Computer Programmes and Data Bases According to a Contract with the Copyright Holder

1. Computer programmes and data bases shall be used by third persons (users) under a contract with the copyright holder, with the exception of the cases indicated in [Article 16](#) of this Law.

2. A contract for the use of computer programmes and data bases shall be concluded in writing.

3. When selling or giving access to computer programmes and data bases to mass user, a special procedure for the conclusion of a contract shall be allowed, for example, by listing the standard terms of the contract on transferred copies of computer programmes and data bases.

Article 15. The Free Reproduction and Adaptation of Computer Programmes and Data Bases

1. The person in lawful possession of a copy of a computer programme or data base shall have the right, without receiving additional permission from the copyright holder, to perform any actions connected with the functioning of the computer programme or data base and in accordance with its designation, including copying and storing it in the computers' memory, and also correcting obvious errors. Saving and storage in the computers' memory shall be allowed in one computer or by one user in a network unless otherwise stipulated for in a contract with the copyright holder.

2. By way of an exception to the provisions in [paragraph 3 of Article 10](#) of this Law the person in lawful possession of a copy of a computer programme or of a data base shall have the right, without the consent of the copyright holder and without paying him additional remuneration, to execute the following actions:

to [adapt](#) a computer programme or data base;

to make or to instruct someone to make a copy of a computer programme or data base provided this copy is only intended for archival purposes and if necessary (in the event that the original of the computer programme or data base is lost, destroyed or unfit for use) to replace the lawfully acquired copy. The copy of the computer programme or data base may not be used for purposes other than those indicated above and shall be destroyed if further use of that computer

programme or data base ceases to be legal.

3. The person in lawful possession of a copy of a computer programme shall have the right, without the consent of the copyright holder and without paying him any additional remuneration, to decompile or instruct others to decompile the computer programme in order to examine the coding and structure of that programme under the following conditions:

the information necessary for the interaction between a computer programme independently developed by this person and other programmes is unavailable from other sources;

the information obtained as a result of the decompilation may be used only to achieve the interaction of a computer programme independently developed by this person with other programmes but not for compiling a new computer programme outwardly and essentially similar to the decompiled computer programme or for any other action infringing the copyright; decompiling shall be done only on those parts of a computer programme which are essential for effecting such an interaction.

Article 16. The Free Resale of a Copy of a Computer Programme and Data Base

It shall be permitted, without the consent of the copyright holder and without paying him additional remuneration, to resell or transfer in any other way the right of ownership or any other proprietary rights to a copy of a computer programme or data base after the first sale or other transfer of the right of ownership of this copy.

CHAPTER 4. THE PROTECTION OF RIGHTS

Article 17. The Violation of Copyright. Counterfeit Copies of Computer Programmes and Data Bases

1. A natural or a legal person failing to fulfil the requirements of this Law with regard to the exceptional rights of copyright holders, or also who import into the Russian Federation copies of a computer programme or data base made without permission of the copyright holder, shall be a violator of copyright.

2. Counterfeit copies of computer programmes and data bases shall be those the making or use of which involves a violation of the copyright.

3. Counterfeit copies shall also be copies of computer programmes and data bases protected in the Russian Federation in accordance with this Law and imported into the Russian Federation from other States where these computer programmes or data bases have never been protected or have ceased to be protected.

Article 18. The Protection of Rights to Computer Programmes and Data Bases

1. The author of a computer programme or a data base and other copyright holders shall be entitled to demand:

the recognition of their rights;

the restoration of the status that existed prior to the breach of the right, and the cessation of actions violating the right or threatening to violate it;

compensation for damages, whose amount shall include the sum of the profits secured by the transgressor;

the payment by the transgressor of an indemnity to be determined at the discretion of a court of law, or of an arbitration tribunal or a mediation board, amounting to a sum ranging from a 5,000-multiple to a 50,000-multiple of the statutory minimum monthly wage, in the cases of the violation with a view to gaining profits, instead of the compensation for losses;

apart from the compensation for losses or the payment of an indemnity, a fine may be imposed, at the discretion of a court or an arbitration court, amounting to ten per cent of the sum awarded by the court for the benefit of the plaintiff, with the fine to be paid into the republican budget of the Russian Federation;

the adoption of other statutory measures connected with the protection of their rights.

2. Copyright holders may apply to a court of law, an arbitration tribunal, or a mediation board

to protect their rights.

3. The court or arbitration tribunal may hand down a ruling on the confiscation of counterfeit copies of computer programmes or data bases, and also of materials and equipment used for their reproduction, and for their destruction or collection for the benefit of the Republican budget of the Russian Federation, or for the plaintiff, at his request in order to compensate him for his losses.

Article 19. The Seizure of Counterfeit Copies of Computer Programmes and Data Bases

The copies of computer programmes or data bases made, reproduced, distributed, sold, imported or otherwise used or designed for use in violation of the rights of the authors of computer programmes or data bases and other copyright holders may be seized in the procedure established by the law.

Article 20. Other Forms of Responsibility

The issue under one's own name of another's computer programme or data base or to illegal reproduction or distribution of such works shall entail criminal responsibility in accordance with the law.

President of the Russian Federation

Boris Yeltsin

Moscow, the House of Soviets of Russia