

LAW OF THE REPUBLIC OF TAJKISTAN  
«ON INTRODUCING AMENDMENTS AND ADDITIONS INTO  
THE LAW OF THE REPUBLIC OF TAJKISTAN  
«ON COPYRIGHT AND ALLIED RIGHTS»

Article 1. To introduce the following amendments and additions into the law of the Republic of Tajikistan of November 13, 1998 “On copyright and allied rights” (Ahbori Madjlisi Oli of the Republic of Tajikistan, 1998, #23-24, Article 348; 2003, #8, Article 450):

1. In Article 3:

- in sub-section 5 after the word “sounds” to add words “or their displays, except sound record included in audiovisual composition;”;

- in sub-section 6 after the word “medium” to add words “, including permanent or temporary computer storage or storage in other computer equipments;”;

- to set forth sub-section 7 in the following edition:

“7) recording - fixation of sounds and (or) images or their displays by the instrumentality of technology in any material form that makes it possible to effect their repeated perception, reproduction or reporting;”;

- to set forth sub-section 9 in the following edition:

“9) producer of phonogram – physical or juridical person undertaking initiative and responsibility for the first sound record of any performance or other sounds or display of sound; unless there is no evidences of otherwise the producer of phonogram is a person whose name or description is shown on the phonogram and (or) cover with this phonogram in a usual way;”;

- in sub-section 12 after the word “art (including variety, circus and puppet numbers),” to add words “or expressions of folklore;”;

- to add sub-sections 25-28 with the following content:

“25) bringing to public notice for interactive use - bringing of compositions or objects of allied rights in such a way that representatives of the audience can have an access to them from anywhere and anytime at the their own option;

26) information on rights management – any data submitted by right holders that identifies composition or other object protected by this Law, composer or other right holder, or data on terms of use of composition or other objects and any numbers and codes where this data is given providing that any of such elements of data are marked on the copy of composition or other object protected by this Law and appear in relation to reporting and bringing of such a composition or other object to public notice.

27) technical devices of protection of copyright and allied rights – any effective technical devices and their components that control an access to compositions or objects of allied rights, prevent or restrict actions in relation to compositions or objects of allied rights that are allowed by holder of any right protected by this Law;

28) display of sound or image - digital form of presentation of sound or image by the instrumentality of appropriate technical devices.”.

2. To set forth sub-section 3 of Article 4 in the following edition:

“3) protection of which is provided under international legal acts, admitted by the Republic of Tajikistan. In this case compositions of right holders from foreign states - participants of international- legal acts admitted by the Republic of Tajikistan – apply protection in Tajikistan that is ensured to its citizens (national regime).”.

3. To set forth sub-section 2 of part one of Article 6 in the following edition:

“2) literary compositions (literary and art, scientific, educational, journalistic and etc., including all kinds of computer programs inclusive of application programs and operating systems that can be expressed in any language and any form including source code and object code);”.

4. In Article 16:

- to supplement part one with sub-section 10 of the following content:

“10) “bringing of composition to public notice for interactive use (right to bringing to public notice).”;

- to supplement part four with the first sentence of the following contest:

“Composer has the right to author’s remuneration for each kind of usage of his composition (right of remuneration).”.

5. To supplement Article 17 with part nine of the following contest:

“While ensuring protection of composition under international legal acts approved by the Republic of Tajikistan the term of protection of copyright can not exceed the term established in the country of origin of composition.”.

6. In article 18 to replace the words “state property” by the words “public property”.

7. To supplement part two of Article 19 with sub-section 5 of the following contest:

“5) any unauthorized playback brought to public notice for interactive playback.”.

8. To supplement part two of Article 34 with sub-sections 6-8 of the following contest:

“6) distribute originals and copies of performance recorded on phonogram by means of sales or other transfer of ownership. In case original or copies of lawfully released phonogram is introduced to public by means of sales or other transfer of ownership their further distribution is allowed to be executed without consent of performer and without paying compensation;

7) bring performance or training recorded on phonogram to public notice for interactive notice;

8) install recorded performance in cyberspace in order it can be available to any user in on-line environment on his own option.”.

9. To supplement part two of Article 35 with sub-section 5 and 6 of the following contest:

“5) bring phonogram to public notice for interactive use;

6) install phonogram in cyberspace in order it can be available to any user in on-line environment on his own option.”.

10. To supplement part two of Article 36 with sub-section 6 of the following contest:

“6) distribute records of broadcast and copies of records of broadcast among public by means of sales, rental and other transfer of ownership. These rights, except the right of rental, are suspended in respect of recording of a broadcast or copies of recordings of broadcast introduced in public use by authority of on-air broadcasting organization by means of sales or other transfer of ownership. The right of rental is reserved by on-air broadcasting organization regardless of the right of property, recording of broadcast and its copies.”.

11. To supplement part two of Article 37 by sub-section 6 of the following contest:

“6) distribute records of broadcast and copies of records of broadcast among public by means of sales, rental and other transfer of ownership. These rights, except the right of rental, are suspended in respect of records of a broadcast or copies of records of broadcast introduced in public use by authority of cable broadcasting organization by means of sales or other transfer of ownership. The right of rental is reserved by cable broadcasting organization regardless of the right of property, recording of broadcast and its copies.”.

12. Article 47:

- to supplement with part one of the following contest:

“Violation of copyright and allied rights is the following:

1) playback, distribution and other usage of objects of copyright and allied rights without permit of right holder;

2) distribution, production, import for the purpose of distribution of devices or rendering services that allow avoiding or promote avoidance of any technical devices meant for protection of copyright and allied rights;

3) elimination or change of any information on rights management without permit of right holder.”;

-to consider parts one, two and three as parts one, two and three respectively.

13. To set forth Article 48 in the following edition:

«Article 48. Protection of copyright and allied rights

Protection of copyright and allied rights is executed by ways determined by Civil Code of the Republic of Tajikistan and by means of:

1) penalty of income collected by violator as a result of violation of copyright and allied rights instead of compensation;

2) payment of compensation at the rate determined by court instead of payment the damages or penalty of income.

Infringing copies of composition or phonogram are handed to copyright and allied rights holder upon his request.

Infringing copies of composition or phonogram unclaimed by copyright and allied rights holder are subjects to elimination.

Materials and equipment used for production and display of infringing copies of compositions or phonograms are subjects to elimination or transfer in favor of state revenues.

Copyright and allied rights holders has the right to apply for judicial authorities in order prescribed by the legislation.”.

Article 2. To put this Law into force after its official publication.

President  
of the Republic of Tajikistan  
Dushanbe city, March 3, 2006  
# 162

E.Rakhmonov