

**LAW**  
**OF THE REPUBLIC OF TAJIKISTAN**  
**On introduction of amendments and supplements into**  
**the Civil Code of the Republic of Tajikistan**

Article 1. That the Part III of the Civil Code of the Republic of Tajikistan of March 01, 2005 be amended and supplemented as follows:

1. In Article 1133:

- paragraph 2 shall be omitted, paragraphs 3, 4 and 5 shall become paragraphs 2,3 and 4 respectively.

2. Article 1137 shall be amended to read as follows:

**«Article 1137. Enforcement of Intellectual Property Rights**

1. Enforcement of intellectual property right shall be realized by the means provided for by this Code with due account of the substance of the infringed rights and the consequences of the infringement of these rights.

2. The means of enforcement provided for by the this Code shall be applied at the request of the rightholder, organizations for collective management of property rights, as well as other persons in cases set forth by the legislation of the Republic of Tajikistan.

3. The absence of fault of an infringer shall not excuse him from the obligation to cease infringement of intellectual property right and also shall not exclude the application to the infringer of measures aimed at the enforcement of such rights. The publication of a judicial decision on an infringement committed and the prevention of the infringement of the right or creating a threat of infringement of such right, shall be made regardless of the fault of the infringer and at his expense.

3. Article 1137<sup>1</sup> shall be added as follows:

**«Article 1137<sup>1</sup>. Means of enforcing intellectual property right**

1. In case of infringement of personal non-proprietary rights of an author, their enforcement shall be exercised by the recognition of a right, restoration of the situation existing before the infringement of the right, prevention of the activities infringing the right or creation of a threat of its infringement, remuneration for moral damages, and publication of the decision of a court on the infringement committed.

2. Protection of the honor, dignity, and business reputation of the author shall be exercised in accordance with the rules of Article 174 of this Code.

3. In cases provided for by the law, other persons also shall have the right to use the means of enforcement of personal non-proprietary rights.

1) recognition of the right;

2) preventing the actions infringing the right or creating a threat of its infringement;

3) reimbursement of damages done;

4) seizure of the physical carrier and equipment with which infringement is committed and material objects created as a result of such infringement

5) publication of the judicial decision on the infringement committed.

6) other methods, envisaged by the legislation of the Republic of Tajikistan.

5. In cases provided for by the legislation of the Republic of Tajikistan, the rightholder shall have the right, instead of reimbursement of damages, to demand from the infringer payment of monetary amount for the infringement of the aforesaid right. The amount of compensation shall be determined by the court depending upon the nature of the infringement and other circumstances with due account of the requirements of reasonability and justice.

6. In case when the production, distribution, or other use, as well as importation, transportation, or storage of material carriers embodied the result of intellectual activity lead to infringement, such material carriers shall be considered counterfeit and upon the decision of a court shall be removed from circulation and destroyed without any compensation unless other consequences are provided for by the legislation of the Republic of Tajikistan.

7. Equipment, other facilities and materials mainly used or aimed for the infringement of exclusive rights upon the decision of a court shall be removed from circulation and destroyed at the expense of the infringer, unless the legislation of the Republic of Tajikistan provides for their transfer to the income of the State.

8. For the purpose of securing the evidence on a suit under consideration on infringements of the exclusive rights with regard to material carrier, equipment and materials to be presumed as infringing the intellectual property right, the security measures set forth by the procedural legislation of the Republic of Tajikistan shall be applied, including seizure of those objects.

Article 2. That this Law enter into force after its official publication.

**President  
of the Republic of Tajikistan**

**Emomali  
Rahmon**