

## ANNEX V

### LAW ON COPYRIGHT AND RELATED RIGHTS

#### TITLE I. GENERAL PROVISIONS

##### Article 1. Subject of the Law

This Law governs the relations arising from the creation and exploitation of scientific, literary and artistic works (copyright) and of phonograms, performances and the programs of broadcasting or cable distribution organization (Related rights).

##### Article 2. Legislation of the Republic of Tajikistan on Copyright and Related Rights

The legislation of the Republic of Tajikistan on copyright and related rights is based on the Constitution of the Republic of Tajikistan and consists of this Law, other legislative texts of the Republic of Tajikistan that are enacted pursuant to this Law, as well as international agreements recognized by Tajikistan.

##### Article 3. Basic Concepts used in this Law

The following terms are used in this Law:

- 1) author – means the natural person whose creative effort has brought about the creation of a work;
- 2) audiovisual work – means a work consisting of a fixed series of interconnected images (with or without sound accompaniment) which is intended to be made visible and (where the images are accompanied by sound) audible with the aid of appropriate technical equipment; audiovisual works include cinematographic works and all works expressed by means comparable to cinematography (television films, video films, fixed projections, slide shows and the like), regardless of the manner in which they are initially or subsequently fixed;
- 3) data base – means a body of data in computer reading or other form, which, by reason of the selection or arrangement of their contents, constitute the result of intellectual creativity. The term Database is not applied to computer programs by means of which electronic access to materials of the database can be obtained.
- 4) reproduction of a work – means taking one or more copies of the work or of part of a work in any form, including the form of a sound or visual recording, reproduction is also recording of a work for permanent or temporary keeping in computer reading form as well as input into internal or external memory of a computer;
- 5) phonogram - means any exclusive sound recording of performances or other sounds;
- 6) reproduction of a phonogram – means taking one or more copies of a phonogram or part of a phonogram on any physical medium;
- 7) recording – means the realization, with technical aids, of sounds or images or both in a material form that permits them to be repeatedly perceived, reproduced or communicated;
- 8) producer of an audiovisual work - means the natural person or legal entity that has taken the initiative of and responsibility for the production of the work; in the absence of proof to the contrary, the natural person or legal entity named in the customary manner on an audiovisual work shall be considered the producer of that work;
- 9) phonogram producer - means the natural person or legal entity that has taken the initiative of and responsibility for the first recording of the sounds of a performance or of other sounds; in the absence of proof to the contrary, the natural person or legal entity named in the customary manner on the phonogram or on the sleeve or inlay card thereof shall be considered the producer of the phonogram;

10) exclusive right – means the right which belongs to an author (authors) of a work that is the product of his (their) creative work, when an other person may not use the work not having suitable permission (license), except in cases provided by this Law;

11) performance - means the presentation of work, phonograms., interpretations or renditions by means of acting or playing, recitation, singing or dancing, either live or with technical aids (broadcasting, cable television or the like) or by showing the pictures of an audiovisual work (with or without sound accompaniment) in their normal sequence;

12) performer - means the actor, singer, musician, dancer or any other person who performs, recites, declaims, sings, plays on a musical instrument or in any other way presents a literary or artistic work (including a variety turn, circus act or puppet show), and also the producer or director of a show and the orchestra conductor;

13) owner of copyright and related rights means the followings:

- the author or the performer allotted with copyright or related rights;
- other natural person or legal entity not the author or the performer in cases when the natural person or legal entity was allotted with primarily economic rights;
- the natural person or legal entity which possesses economic rights by succession or law-succession;

14) publication (publishing) - means putting into circulation copies of the work or phonogram with the consent of the author of the work or phonogram producer and in sufficient quantity to meet the reasonable needs of the public, due account being taken of the character of the work or phonogram;

15) broadcasting - means the communication to the public of works, phonograms, performances or programs of broadcasting or cable distribution organizations (including broadcasts of the presentation or performance) by means of transmission by radio or television (with the exception of cable television); where works, phonograms, performances or programs of broadcasting or cable distribution organizations are relayed by satellite, broadcasting means the act whereby the satellite receives signals from the ground station and retransmits those signals in such a way that works, phonograms, performances or programs of broadcasting or cable distribution organizations may be communicated to the public, independently of their actual reception by the said public;

16) broadcasting by a broadcasting or cable distribution organization - means the broadcast created by the broadcasting or cable distribution organization itself, or, on its instructions and with its funds, by another organization;

17) presentation of a work - means showing the original or a copy of the work, either direct or on a screen with the aid of film, photographic slides, television pictures or other technical means, or showing the individual images of an audiovisual work without concern for their order;

18) computer program – means a body of instructions expressed by words, codes, symbols, signs, diagrams or in other form which can be used by computer or other data processing machine with the aim of producing results. The term covering both the operating system and the applied program expressed by source or objective code including the preparatory literature produced while the computer program is being developed and the audiovisual displays generated by the program itself is not covered by the term *data base*;

19) public presentation (public performance) - means any presentation of an original or a copy of works, performances, other productions or broadcasts of broadcasting or cable distribution organizations, either direct or on a screen with technical aids (film, slide, etc) in a place or places where the performance can be followed without need for communication and in which a large number of persons not belonging to a limited family circle are present, irrespective of whether they are present in only one place and at one time or in different places and at different times;

20) public presentation of audiovisual work – means any demonstration of separate pictures of audiovisual work out of their succession;

21) reprographic reproduction - means the facsimile reproduction in one or more copies, regardless of the dimensions and form thereof, of originals or copies of written or other graphic works by means of photocopying or with the aid of other technical means different from

publishing; reprographic reproduction shall not include the storage or reproduction of the said copies in electronic (including digitalized) or optical form, or in any other machine-readable form;

22) rental - means making a copy of a work or phonogram temporarily available for direct or indirect commercial profit;

23) communicate - means to show, perform or broadcast or engage in any other act (except for the distribution of copies of the work or phonogram) whereby the works, phonograms, performances or programs of broadcasting or cable distribution organizations are made audible or visible, whether or not they are actually perceived by the public;

24) communicate to the public by cable - means to transmit works, phonograms, performances or programs of broadcasting or cable distribution organizations to the public by cable, wire, optic fiber or comparable means.

## **TITLE II. COPYRIGHT**

### **Article 4. Scope of Copyright**

By virtue of this Law, copyright extends to works:

1) authors of which are nationals of the Republic of Tajikistan or have permanent place of residence within the territory of the Republic of Tajikistan;

2) first published within the territory of the Republic of Tajikistan ((including works first published within the Republic of Tajikistan within 30 days of its first publication in another country) or unpublished but existing in an objective form within the territory of the Republic of Tajikistan irrespective of nationality or permanent place of residence of their authors;

3) that is granted protection under international treaties to which the Republic of Tajikistan is party.

### **Article 5. Objects of Copyright. General Provisions**

Copyright extends to scientific, literary and artistic works that are the product of creative work, regardless of the purpose, the merit and the manner of expression thereof.

The works must be expressed in an objective form, namely:

1) written form (manuscript, typewritten text, musical score, etc.); oral form (public recitation, public performance, etc.);

2) oral form (public pronouncement, public performance, etc.);

3) sound or visual recording (mechanical, magnetic, digital, optical, etc.);

4) figurative form (drawing, sketch, painting, plan, industrial design, still picture from a cinematographic or television or video film, photograph, etc.);

5) three-dimensional form (sculpture, model, mock-up structure, etc.); any other form.

6) In any forms permitting perceiving of the works.

Ideas, methods, processes, systems, means, concepts, principles, discoveries and facts may not be protected by copyright.

The copyright in a work is independent of the ownership of the material object in which the work is expressed.

The transfer of the ownership of the material object shall not in itself constitute transfer of any copyright to the work embodied in that object.

### **Article 6. Works Protected by Copyright**

The following are protected by copyright:

1) oral works (speeches, lectures, reports, etc.)

- 2) literary works (belles-lettres, scientific, educational, publicistic, etc., including computer programs both source text and objective code);
- 3) dramatic or dramatico-musical works and other works with a scenario;
- 4) choreographic and mimed works;
- 5) musical works with or without accompanying text;
- 6) audiovisual works;
- 7) works of painting and sculpture, graphic and design works, cartoon strips and other works of figurative art;
- 8) works of architecture, urban planning and park and garden design;
- 9) photographic works and works obtained by processes analogous to photography;
- 10) geographical, geological and other maps, plans and sketches, and also three-dimensional works relating to geography, topography and other sciences;
- 11) derived works (translations, adaptations, annotations, analyses, summaries, reviews, stage adaptations, arrangements and other transformations of scientific, literary and artistic works);
- 12) collections (encyclopaedias, anthologies, data bases) and other composite works which, by reason of the selection or arrangement of their contents, constitute the result of creative efforts.

Derived works and composite works shall be protected by copyright whether or not the works on which they are based, or which they themselves include, are protected by copyright.

#### Article 7. Works not Protected by Copyright

The following are not protected by copyright:

- 1) official documents (laws, court decisions, other texts of legislative, administrative or judicial character) and official translations thereof;
- 2) state emblems and official signs (Flags, Armorial Bearings, Hymns, decorations, monetary signs and other State symbols and official signs);
- 3) communications concerning events and facts that have informational character;
- 4) works of folklore.

#### Article 8. Subjects of copyright

A subject of copyright is an author.

A natural person named when publishing the work, whose name is marked on the manuscript or on the original of the work shall be considered the author.

#### Article 9. Origin of Copyright. Presumption of Authorship

1. A scientific, literary or artistic work is eligible for copyright by virtue of the mere fact of its creation. The origin and exercise of copyright shall not require either registration of the work or the performance of any other act or formality.

In order to have rights recognized, the owner may use a copyright notice which should be placed on every copy of the work and should consist of the following three elements:

- 1) a circled capital letter C: (C);
- 2) the name of the owner of the exclusive rights;
- 3) the year of the first publication of the work.

In the absence of proof to the contrary, the person named as the author on the original or on a copy of the work shall be deemed the author thereof.

Where a published work is anonymous or pseudonymous (unless the author's pseudonym leaves his/her identity in no doubt), the publisher named on the work shall be presumed, in the

absence of proof to the contrary, to represent the author and, in that capacity, shall be empowered to defend and exercise the author's rights. This provision shall remain in force until such time as the author of the work reveals his/her identity and claims authorship of the work.

An entity possessing copyright or any persons having an exclusive right to a work may register the work within the duration of the copyright in the order determined by an agency authorized by the Government of the Republic of Tajikistan in the field of the protection of copyright and related rights (hereinafter - authorized agency) for giving a certification about authorship to published or unpublished works, about the fact and the date of publication of the work or agreements concerning copyright.

A person possessing material object in which the work is embodied may not block an entity possessing copyright from registering the work.

#### Article 10. Works of Joint Authorship

The copyright in a work that is the product of the joint creative work of two or more persons (work of joint authorship) shall belong jointly to the co-authors, regardless of whether it constitutes an indivisible whole or is composed of parts, each with an authorship of its own.

A part of a work shall be deemed to have an authorship of its own if it can be exploited independently of the other parts of the same work.

Unless otherwise agreed between themselves, each of the coauthors keeps for himself his moral and economic rights to that part of the work with an authorship of its own that he has created.

The relations between the coauthors may be the subject of an agreement between them. If there is not such agreement, the copyright to the whole work shall belong jointly to the coauthors and royalties shall be distributed in equal quantity.

If the work of the coauthors constitutes an indivisible whole, none of them shall be entitled to prohibit the exploitation of the work without valid reason.

#### Article 11. Copyright of Compilers of Collections and Other Works

The author of a collection or any other composite work (compiler) shall enjoy copyright in the selection or arrangement of the subject matter that the author has made insofar as that selection or arrangement is the result of a creative effort of compilation.

The compiler shall enjoy copyright subject to respect for the rights of the authors of each work included in the composite work.

Each of the authors of the works included in the composite work shall have the right to exploit his/her own work independently of the composite work unless the author's contract provides otherwise.

Copyright to compilations which are not protected by copyright such as laws, court decisions, other official documents, ancient acts and written monuments and others belong to the compilers if they realized an independent selection or arrangement of the subject matter included in the compilation.

Notwithstanding the copyright of the compiler, any third party may make an independent selection or arrangement of the same subject matter for the purposes of the creation of a composite work of his own.

The exclusive right to exploit encyclopaedias, encyclopaedic dictionaries, collections of scientific works published in either one or several instalments newspapers, reviews and other periodical publications shall belong to the editor thereof. The editor shall have the right to have his name mentioned or to demand such mention whenever such said publications are exploited. The authors of the works included in the publications shall retain the exclusive rights to exploit their works independently of the publication of the whole work.

#### Article 12. Copyright of Translators and Other Authors of Derived Works

Translators and other authors of derived works shall enjoy copyright in translations, adaptations, arrangements or any other transformations made by them.

The translator or other author of a derived work shall enjoy copyright in the work created by him, subject to the rights of the author of the work that he has translated, adapted, arranged or otherwise transformed.

Notwithstanding the copyright of the translator or other author of a derived work, third parties may make their own translations or transformations of the same work.

### Article 13. Copyright in Audiovisual Works

The following shall be recognized as authors of an audiovisual work:

the director or maker;

the author of the scenario;

the author of the musical work (with or without words) that has been specially created for that audiovisual work (composer).

The conclusion of a contract for the making of an audiovisual work shall constitute assignment, by the authors of the work to the producer thereof, of the exclusive rights of reproduction, public performance, communication to the public by cable, broadcasting, or any other public communication of the work, and also the exclusive subtitling and dubbing rights, unless otherwise provided in the contract. The said rights shall operate throughout the period of validity of the copyright in the audiovisual work.

The producer of the audiovisual work shall have the right to mention his/her name or to demand such mention whenever the work is performed.

In the case of public performance of the audiovisual work, the author of the musical work (with or without words) shall retain the right to remuneration for the public performance of his musical work.

The authors of the works constituting the audiovisual work, whether pre-existing (for instance, the author of the novel from which the scenario is taken) or created in the making of the audiovisual work (for instance, by the camera director or artistic director), shall each enjoy copyright in his work.

### Article 14. Copyright in a Service-Related Work

Moral rights shall belong to the author of the work created in the course of duty obligations or in the performance of an assignment expressly given by the employer (service-related work).

The exclusive right to exploit the service-related work shall belong to the person to whom the author is bound by employment relations (employer), unless otherwise provided in the contract concluded by the employer with the author.

If during three years from the moment of transferring a work to the employer under whole responsibility created, the employer does not use the work, all rights to use the work pass on to the author.

The rate of royalty payments for all types of use of a service-related work as well as payment procedures shall be determined in the agreement between the author and his employer.

The employer shall have the right to mention his name or demand such mention in connection with any exploitation of the service-related work.

The provisions of this Article shall not apply to the making, in the course of duty or the performance of an assignment expressly given by the employer, of encyclopedias, encyclopedic dictionaries, collections of scientific works published in one or in several installments newspapers, magazines and periodical publications (Article 11.2 of this Law).

### Article 15. Moral Rights of Authors

The author shall enjoy the following moral rights in relation to a work:

- 1) the right to have the authorship of the work recognized (right of authorship);
- 2) the right to exploit the work or to authorize the exploitation thereof, either with the mention of his true name or his pseudonym or without any name being given, i.e. anonymously (right to be named);
- 3) the right to disclose the work or to authorize the disclosure thereof in any form (right of disclosure), including the right to disavow or withdraw;
- 4) the right to the protection of the work, including the title thereof, against any distortion or other derogatory act liable to prejudice his honor or dignity (right to the protection of the author's reputation);
- 5) the right to the inviolability of the work.

The author shall have the right to renounce a decision taken earlier to disclose the work (right to disavow or withdraw), provided that the user is indemnified for any damages, attributable to the decision. If the work has already been disclosed, the author shall make the withdrawal known to the public. He shall then have the right to withdraw from circulation, at his own expense, those copies of the work that have already been made.

The provisions of this paragraph shall not apply to service-related works.

Moral rights shall belong to the author independently of his economic rights, and the author shall retain them even where the exclusive right to exploit the work has been assigned.

#### Article 16. Economic Rights of Authors

The author shall enjoy the exclusive right to exploit his works in any form and by any way. It means the right to perform or authorize the following acts:

- 1) reproduction of the work (right of reproduction);
- 2) distribution of copies of the work by any means, including sale, rental and other ways (right of distribution);
- 3) importation of copies of the work for the purposes of distribution, including that of copies made with the permission of the owner of exclusive rights (right of importation);
- 4) presentation of the work in public (right of public presentation);
- 5) performance of the work in public (right of public performance);
- 6) communication of the work to the public (including showing, performance or broadcasting) by broadcasting or rebroadcasting (right of broadcasting);
- 7) communication of the work to the public (including showing, performance or broadcasting) by cable, wire or comparable means (right of communication to the public by cable);
- 8) translation of the work (right of translation);
- 9) adaptation, arrangement or other transformation of the work (right of adaptation).

The exclusive rights of the author in relation to the project for a design work, an architectural work, a work of urban planning or a work of park or garden design shall extend also to the practical realization of the project. Unless otherwise provided by contract, the author of an accepted architectural project shall have the right to demand that the party who commissioned the work allow him to take part in the realization of his project at the stage of the production of the documentary material relating to the construction or at the stage of the actual construction of the building or other structure.

Where copies of a lawfully published work have been put into circulation by means of sale, their subsequent distribution shall not require authorization by the author or other owner of copyright and shall not give rise to the payment of remuneration to the author.

The right to distribute copies of the work such as audiovisual works, computer programs, data bases, musical works in musical score and phonograms by means of rental shall belong to the author without regard to the ownership of the copies.

The amount and the manner of payment of remuneration to the author for each form of exploitation of the work shall be determined by the author's contract and by the contracts that organizations for the collective administration of economic rights conclude with users.

The rights of authors specified in paragraph 2 of this Article shall be subject to the limitations specified in Article 19 to Article 21, 24 and 39 of this Law, which shall apply insofar as the uses in question do not unjustifiably prejudice the normal exploitation of the work and do not without valid reason violate the legitimate interests of the author.

#### Article 17. Term of Copyright

1. Copyright shall have effect throughout the lifetime of the author and for 50 years after his death and it is transferable by succession except as provided in this Article.

The author's right to claim authorship of his work, his right to be named as such and his right to protection for his reputation shall be protected without limitation in time.

The author may, according to legislative order, specify the person to whom he entrusts the protection of the right of authorship, the right to be named and the right to protection for his reputation after his death. That person shall fulfil his mandate throughout his life.

Where no such person has been named, the protection of the right of authorship, the right to be named as author and right to protection for the author's reputation shall be ensured either by his heirs, in case of absence of heirs or after lapsing the heirs' copyright it shall be ensured by authorised agency.

The copyright in a work of joint authorship shall have effect until the death of the last surviving coauthor and for 50 years thereafter.

The copyright in an anonymous or pseudonymous work shall have effect for 50 years following the date of the lawful disclosure thereof. If, in the course of that period, the author of the anonymous or pseudonymous work reveals his identity, or if that identity is no longer in doubt, the provisions of the first part of this Article shall be applicable.

Copyright in a work first published during thirty years after his death shall have effect for 50 years following the lawful publication of the work.

Any period under this Article shall be calculated as from January 1 of the year following that in which the legal act occurred that marks the starting point of the period.

#### Article 18. Expiration of the term of the copyright

On the expiration of the term of the copyright in a work, the work shall fall into the state domain.

Works that have never enjoyed protection within the territory of the Republic of Tajikistan shall likewise be deemed fallen into the state domain.

Works that have fallen into the state domain may be freely used by any person without payment of remuneration. However, the author's right to claim authorship, his right to be named as such and his right to protection for his reputation as author shall be respected as provided by Article 15 of this Law.

The Government of the Republic of Tajikistan may specify those cases in which the use, on the territory of the Republic of Tajikistan, of works that have fallen into the state domain should give rise to the payment of a special royalty. That royalty shall be paid into an authors' professional fund or to an organization for the collective administration of the economic rights of authors, and it may not exceed 1% of the revenue derived from the use of the work in question.

#### Article 19. Reproduction of the Work for Personal Purposes without the Author's Consent and Without Payment of Remuneration



The reproduction of a lawfully published work for exclusively personal purposes which shall apply insofar as the uses in question do not unjustifiably prejudice the normal exploitation of the work and do not without valid reason violate the legitimate interests of the author shall be authorized without need for the author's consent or payment of remuneration, except in the cases provided for in Article 39 of this Law.

The provisions of paragraph 1 of this Article shall not apply:

- 1) to the reproduction of works of architecture in the form of comparable buildings and structures;
- 2) to the reproduction of data bases or substantial parts of data bases;
- 3) to the reproduction of computer programs, except in the cases provided for in Article 24 of this Law;
- 4) to the reproduction of books (in their entirety) and musical scores.

Article 20. Use of a Work without the Author's Consent and Without Payment of Remuneration but provided that the name of the author and the source of the borrowing are mentioned

The following shall be authorized without the author's consent and without payment of remuneration, but provided that the name of the author whose work is used and the source of the borrowing are mentioned:

1) the quotation, in the original language or in translation, for scientific or for research, polemic, critical or informational purposes and to the extent justified by the intended purpose, of extracts from lawfully published works, including the reproduction of extracts from newspaper and magazine articles in press reviews;

2) the use of lawfully published works and of extracts from such works for the purpose of illustration in publications, radio or television broadcasts or sound or visual recordings of educational character, and to the extent justified by the intended purpose;

3) the reproduction in newspapers, broadcasting or communication to the public by cable of articles lawfully published in newspapers or magazines on economic, political, social or religious topics, or of broadcast works of the same nature, insofar as the author has not expressly prohibited such reproduction, broadcast or cable communication;

4) the reproduction in newspapers, broadcasting or communication to the public by cable of political speeches, addresses, lectures and other works of the same nature given in public, to the extent justified by an informational purpose. The author shall nevertheless retain the right to publish those works in collections;

5) the reproduction or communication to the public, in connection with the reporting of current events by means of photography, broadcasting or public cable communication, of works that are seen or heard in the course of such events, to the extent justified by an informational purpose. The author shall nevertheless retain the right to publish such works in collections;

6) the reproduction in Braille or by other special means for the benefit of the blind, done without gainful intent, of lawfully published works, with the exception of works created especially for such means of reproduction.

7) reprographic reproduction in one copy and without gainful intent:

a) of a lawfully published work insofar as the reproduction is the work of a library or archive service and its purpose is to restore or replace lost or damaged copies, or to place copies at the disposal of other libraries that for any reason have lost works from their own collections if it is impossible to get the copy by other way;

b) of isolated articles or succinct works lawfully published in collections, newspapers or other periodical publications, or of short extracts from lawfully published written works (with or without illustrations), if the reproduction is the work of a library or archive service and it is done to meet the requirements of natural persons who will make use of the copies so obtained for study or research purposes;

c) of isolated articles or succinct works lawfully published in collections, newspapers or other periodical publications, or of short extracts from lawfully published written works (with or without illustrations), if the reproduction is the work of an educational establishment and the copy obtained is intended for classroom use.

#### Article 21. Use of a Work without the Author's Consent and Without Payment of Remuneration

It shall be permissible, without the consent of author or other entity possessing copyright and without payment of remuneration:

1) the reproduction, broadcasting or communication to the public by cable of architectural works, photographic works and works of fine art permanently located in a public place shall be permissible without the author's consent and without payment of remuneration, except where the presentation of the work constitutes the main feature of the said reproduction, broadcast or communication to the public by cable, if it is used for commercial purposes;

2) the public performance of musical works in the course of official or religious ceremonies and at funerals to the extent justified by the nature of such ceremonies;

3) the reproduction of works for the purposes of judicial proceedings, to the extent justified by such purposes;

4) making by a broadcasting organization an ephemeral recording of the work for which it has obtained the right of broadcasting, on condition that the organization makes the recording with its own equipment and facilities and for the purposes of its own broadcasts. The broadcasting organization is obliged to destroy the recording within six months after it was made, except where a longer period has been agreed upon with the author of the work recorded. The recording may be preserved in official archives without the author's consent if it is of purely documentary character.

#### Article 22. Right of Access to Works of Fine Art. Resale Royalty

The author of a work of fine art shall have the right to demand of the owner of the work that he allow him to exercise the right of reproduction of his work (right of access), provided that the owner of the work may not be bound to deliver the work to the author to that end.

The transfer of ownership of a work of fine art (whether for consideration or free of charge) from the author to a third party shall constitute the first sale of that work.

For each public resale of a work of fine art (sale by auction or at an art gallery or exhibition, in a shop, etc.), the seller shall pay the author a remuneration representing 5% of the resale price (resale royalty). That right is inalienable and transferable only to the author's legal heirs throughout the duration of the copyright.

#### Article 23. Protection of interests of the person pictured in a work

Publication, reproduction and circulation of work of fine art where a person is pictured shall be permissible with the consent of the pictured person and after his death with the consent of heirs of the first place. The consent is not required if the pictured person posed for pay through an agreement.

#### Article 24. Free Reproduction of Computer Programs and Data Bases. Decompilation of Computer Programs

Any person lawfully in possession of a copy of a computer program or data base may, without permission from the author or any other owner of the exclusive right to exploit the work and without paying any additional remuneration:

make alterations to the computer program or data base, where the purpose thereof is solely to ensure their operation on the user's material, and perform any act in relation to the operation of the computer program or data base according to its intended purpose, including any inputting or storing in a memory (that of an individual computer or that of one of the computers in a network), and also correct obvious errors, except where otherwise provided in the contract concluded with the author;

make a copy of the computer program or data base, provided that the copy is intended solely for a archive and for the replacement of a lawfully acquired copy in the event of the latter having been lost, destroyed or rendered useless, on the understanding that the copy of the computer program or data base may not be used for purposes other than those specified in subparagraph (1) of this paragraph, and that it must be destroyed should the possession of the copy of the computer program or data base cease to be lawful.

Any person lawfully in possession of a copy of a computer program may, without permission from the author or any other owner of exclusive rights, and without paying any additional remuneration, reproduce or convert the object code making it into a source code (decompile the program) or have such acts performed by third parties, if they are essential to ensure the interactive capabilities of a computer program independently created by that person with other programs compatible with the program so decompiled, in which case the following conditions have to be fulfilled or observed:

1) the person concerned must not previously have had access to other sources capable of providing him with the information necessary to ensure the interactive capability;

2) the acts mentioned must only be performed in relation to the parts of the computer program the decompilation of which is essential to the achievement of the interactive capability;

3) the information obtained by decompilation may only be used for the achievement of the interactive capability of the independently created computer program with other programs; the information may not be passed on to third parties, except where necessary to ensure the interactive capability of the independently created computer program with other programs and it may not be used for the development of a computer program of a type essentially comparable to the decompiled computer program, or for the performance of any other act prejudicial to copyright.

The application of the provisions of this Article must neither unjustifiably affect the normal exploitation of the computer program or data base or, without valid grounds, prejudice the legitimate interests of the author or any other owner of exclusive rights in the computer program or data base.

#### Article 25. Authors' Contracts. Assignment of Economic Rights.

The assignment or licensing of economic rights referred to in Article 16 of this Law shall be effected by means of an author's contract except as provided in Article 19 to Article 21, 24 and 39 of this Law.

Economic rights may be assigned on exclusive or non-exclusive basis (exclusive or non-exclusive license).

The author's contract for the assignment of exclusive rights shall allow only that person to whom the rights have been assigned to exploit the work by a specified means and within the limits set by the contract, and shall confer on that person the right to prohibit any comparable exploitation of the work by third parties (exclusive license).

The right to prohibit third parties from exploiting the work may be exercised by the author of the work where the person to whom the exclusive rights have been assigned does not avail himself of that right.

The author's contract for the licensing of non-exclusive rights shall allow the licensee to exploit the work under the same conditions as the owner of the exclusive rights who has granted

those rights to him, or as other persons who have obtained permission to exploit the work by the same means (non-exclusive license).

The rights to which an author's contract relates shall be deemed non-exclusive where the contract contains no express provisions to the contrary.

#### Article 26. Conditions Governing An Author's Contract

An author's contract shall specify: the modes of exploitation of the work (the specific rights assigned or licensed under the contract), the period and the territory for which the rights are assigned or licensed, the amount of the remuneration payable for each of the modes of exploitation of the work, or the methods for the calculation of the amount of that remuneration, the procedures and the periods for the payment of the remuneration.

If the author's contract does not specify the period for which the rights are assigned or licensed, the author may terminate it on the expiration of a period of five years, following its conclusion, provided the user is notified of the termination in writing six months prior to the termination of the agreement.

If the author's contract does not specify the territory for which the rights are assigned or licensed, the rights concerned by the contract shall have effect only on the territory of the Republic of Tajikistan.

All the rights of exploitation of the work that are not expressly assigned or licensed under an author's contract shall be deemed not to have been assigned or licensed.

An author's contract may not relate to exploitation rights that are not known at the time of its conclusion.

The author's contract shall specify remuneration in the form of a percentage of the revenue derived from exploitation of the work by the intended means or, where that is not possible in view of the nature of the work or the particular circumstances of the exploitation thereof, in the form of a lump sum or in any other manner but not below minimum rates for the remuneration of the author.

The minimum rates for the remuneration of the author shall be set by the Government of the Republic of Tajikistan. The minimum amounts of author's remuneration shall be indexed at the same time as minimum wage amounts.

Where, in an author's contract for the publication or some other form of reproduction of the work, remuneration is calculated as a lump sum, the contract shall specify the maximum print run of the work.

The rights assigned or licensed under the author's contract may not be reassigned or relicensed to third parties, either in their entirety or in part, unless the contract expressly so provides.

An author reserves for himself all the rights of exploitation of the work that are not assigned or licensed under the author's contract.

An author's contract may not relate to exploitation rights arising in connection with works that the author may create in the future.

Any clause in an author's contract that imposes limits on the author regarding the future creation of works on a particular subject or in a particular field shall be deemed invalid.

Those clauses of an author's contract that are contrary to the provisions of this Law shall be deemed invalid.

#### Article 27. Form of an Author's Contract

An author's contract shall be in written form. If it relates to the use of a work in the periodical press, it may be concluded orally of mouth.

A contract for the sale of copies of computer programs and a contract affording extensive access to computer programs are considered as a contract concluded in written form if its

conditions (conditions of using a computer program) are stated on the copies of the computer programs accordingly.

#### Article 28. Commission Contracts

Under a commission contract, the author undertakes to create the work under the conditions specified in the contract and to hand it over to the commissioning party.

The commissioning party shall be bound to pay the author an advance on the remuneration agreed by contract. The amount of the advance and the procedure and time limits for the payment thereof shall be agreed upon by the parties and specified in the contract.

Where the author has not delivered the commissioned work in the manner specified in the commission contract, he shall be bound to indemnify the commissioning party for the actual prejudice caused thereby.

#### Article 29. Sanctions in Connection with Author's Contracts

The party who fails to discharge his obligations under an author's contract or does not discharge them in the agreed manner shall be bound to indemnify the other party for the prejudice sustained by the latter, including lost earnings.

### **TITLE III. RELATED RIGHTS**

#### Article 30. Scope of Related Rights

The provisions of this Law on protection of rights of performers are applied to:

1) performers who are nationals of the Republic of Tajikistan;  
2) performers who are not nationals of the Republic of Tajikistan, but their performances:

a) first occurred on the territory of the Republic of Tajikistan;  
b) the performances have been recorded on a phonogram protected under the provisions of this Law;

c) the performances have not been recorded on a phonogram but are included in a program broadcast or transmitted by cable that is protected under this Law;

The provisions of this Law on protection of rights of phonogram producers are applied to:

1) a phonogram producer who is a national of the Republic of Tajikistan or a legal entity with headquarters located on the territory of the Republic of Tajikistan;

2) a phonogram producer who is not a national of the Republic of Tajikistan or a legal entity with headquarters located on the territory of the Republic of Tajikistan, but the first publication of the phonograms occurred on the territory of the Republic of Tajikistan or the phonogram was published on the territory of the Republic of Tajikistan within 30 days from the date of first publication in another country.

The provisions of this Law on protection of rights of the broadcasting or cable distribution organizations are applied to broadcasting by a broadcasting or cable distribution organization if the said organization has its headquarters on the territory of the Republic of Tajikistan and broadcasts with the aid of transmitters located on the territory of the Republic of Tajikistan.

The provisions of this Law are also applied to performers, phonograms and broadcasting by a broadcasting or cable distribution organization that is granted protection under international treaties to which the Republic of Tajikistan is party.

### Article 31. Objects of Related Rights

Related rights extend to plays, performances, and phonograms, broadcastings by a broadcasting or cable distribution organization regardless of the purpose, the content, the merit and the manner of expression thereof.

### Article 32. Subjects of Related Rights

The subjects of related rights are performers, producers of phonograms and broadcasting or cable distribution organizations.

The producers of a phonogram or the broadcasting or cable distribution organization shall exercise their rights as specified in this Title within the limits of the rights that the performer and the author of the work recorded on the phonogram or broadcast or transmitted by cable have granted them by contract.

Authorization to exploit a performance that has been obtained from the producer or director of a show shall not release a person from the obligation to obtain authorization from the other performers who have taken part in the performance and also from the author of the performed work.

The performer shall exercise the rights specified in this Title without infringing the rights of the author of the performed work.

A performer, phonogram producer, Broadcasting Organization and Cable Distribution Organization certifying the registration of related rights may carry out the registration of the work within the duration of the related rights in the order determined by an authorized agency.

### Article 33. Related Rights Notice

The origin and exercise of related rights shall not be subject to compliance with any formality. The producer of a phonogram and the performer may, in order to publicize their rights, make use of a reserved related rights notice which should be placed on every copy or on every sleeve or inlay card of the phonogram and should consist of the following three elements:

- 1) a circled capital letter P: (P );
- 2) the name of the owner of the exclusive rights;
- 3) the year of first publication of the phonogram.

### Article 34. Rights of the Performer

Except as provided in this Law, the performer shall be granted the following exclusive rights in relation to his performance:

- 1) the right to be named;
- 2) the right to the protection of the performance against any distortion or other derogatory act liable to prejudice his honor or dignity;
- 3) the right to exploit the performance in any form, including the right to be paid remuneration for every such form of use.

The exclusive right to exploit the performance means the right to perform or authorize the following acts:

- 1) broadcasting or cable communication of the performance to the public insofar as the performance used for that purpose has not been broadcast previously and if the broadcast or cable communication to the public is not effected on the basis of a recording;
- 2) recording of a hitherto unrecorded performance;
- 3) reproduction of the recording of a performance;
- 4) broadcasting or cable transmission of the recording of a performance insofar as the

recording was originally made for noncommercial purposes;

5) rental of a phonogram published for commercial purposes on which a performance has been recorded with the participation of the performer. This right shall be transferred to the phonogram producer on the conclusion of a contract for the recording of the performance on a phonogram; the performer shall nevertheless retain the right to remuneration for the rental of copies of the phonogram.

The exclusive right of the performer under paragraph 3, part 2 of this Article shall not apply if:

- 1) the initial recording of the performance was made with the consent of the performer;
- 2) the reproduction of the performance is made for the same purposes as the recording of the performance to which the performer consented;
- 3) the reproduction of the performance is made for the same purposes as the recording that was made pursuant to the provisions of Article 41 of this Law.

The authorizations referred to in this Article shall be granted by the performer, or, in the case of a group performance, by the head of the group, in a written contract concluded with the user.

The authorizations referred to in paragraph 1 to 3 of part 2 of this Article shall not be necessary for the rebroadcasting of a performance, the recording for broadcasting purposes and the reproduction of that recording by broadcasting or cable distribution organizations if they are expressly provided for in the contract concluded by the performer with the broadcasting or cable distribution organization. The amount of the remuneration payable to the performer for such use shall likewise be specified in the contract.

The conclusion of the contract for the making of an audiovisual work by the performer and the maker shall constitute licensing by the performer of the rights referred to in paragraph 1 to 4 of part 2 of this Article.

The licensing of these rights by the performer shall be confined to the use of the audiovisual work and, unless otherwise provided in the contract, shall not extend to the rights in any separate use of the sound or the pictures embodied in the audiovisual work.

The performer may assign or license the exclusive rights under this Article to third parties by contract.

#### Article 35. Rights of a Phonogram Producer

Except as provided in this Law, a phonogram producer shall enjoy the exclusive right to exploit his phonogram in any form, including the right to remuneration for every such form of use.

The exclusive right to exploit the phonogram shall mean the right to perform or authorize the following acts:

- 1) reproduction of the phonogram;
- 2) adaptation or any other transformation of the phonogram;
- 3) distribution of copies of the phonogram, for instance by sale or rental;
- 4) importation of copies of the phonogram for the purposes of distribution, including copies made with the authorization of the producer of the phonogram in question.

Where copies of a lawfully published phonogram have been placed on the market by sale, their subsequent distribution may take place without the consent of the producer of the phonogram and without payment of remuneration. The right to distribute copies of the phonogram by rental shall belong to the phonogram producer independently of the ownership of the said copies.

The phonogram producer may assign or license the exclusive rights under paragraph 2 of this Article to third parties by contract.

#### Article 36. Rights of the Broadcasting Organization

Except as provided in this Law, the broadcasting organization shall enjoy the exclusive right in relation to its program, to exploit it in any form and to grant authorization to use it, including the right to remuneration for such grant.

The exclusive right to authorize use of its program shall mean the right of the broadcasting organization to authorize:

- 1) the simultaneous broadcasting of the program by another broadcasting organization;
- 2) the communication of the program to the public by cable;
- 3) the recording of the program;
- 4) the reproduction of the recording of the program;
- 5) the communication of the program to the public in places where a charge is made for admission.

The exclusive right of the broadcasting organization under paragraph 4, part 2 of this Article shall not extend to a case in which:

- the program has been recorded with the consent of the broadcasting organization;
- the program is reproduced for the same purposes as those for which it was recorded under the provisions of Article 41 of this Law.

### Article 37. Rights of a Cable Distribution Organization

Except as provided in this Law, a cable distribution organization shall enjoy the exclusive right, in relation to its program, to exploit it in any form and to grant authorization to use it, including the right to remuneration for such grant.

The exclusive right to authorize the use of a program shall mean the right of the cable distribution organization to authorize:

- 1) the simultaneous cable communication of its program to the public by another cable distribution organization;
- 2) the broadcasting of the program;
- 3) the recording of the program;
- 4) the reproduction of the recording of the program;
- 5) the communication of the program to the public in places where a charge is made for admission.

3. The exclusive right of the cable distribution organization under paragraph 4, part 2 of this Article shall not extend to the case in which:

- the program has been recorded with the consent of the cable distribution organization;
- the program is reproduced for the same purposes as those for which it was recorded under the provisions of Article 41 of this Law.

### Article 38. Use of the Works and the Objects of Related Rights by other natural and legal persons

Use of the Works and the Objects of Related Rights by other natural and legal persons is allowed by consent of the entity possessing exclusive rights in the work and a royalty payment, with the exception of cases stipulated in Articles 19 to 21, 24, and 39 to 41 of this Law.

### Article 39. Reproduction of the Works and Phonograms for Personal Purposes

Notwithstanding the provisions of Article 34 and Article 35 of this Law, the reproduction of an audiovisual work or sound recording of a work for exclusively personal purposes shall be permissible without the consent of the author of the work or other entity possessing copyright, performer and phonogram producer, but subject to payment of remuneration to them.



The remuneration for the reproduction referred to in paragraph 1 of this Article shall be paid by the manufacturers or importers of the equipment (sound recording equipment, videocassette recorders, etc.) and of the recording material (tape and cassettes for sound or video recording, optical discs, compact discs, etc.) used for the reproduction.

The collection and distribution of the remuneration shall be effected by one of the organizations for collective administration of the economic rights of authors, phonogram producers and performers under an agreement concluded with the said organization (Article 43 of this Law). Except where otherwise provided in the agreement, the remuneration shall be distributed as follows: 40% to the authors, 30% to the performers and 30% to the phonogram producers.

The amount of the remuneration and the manner of its payment shall be determined by agreement between the aforementioned manufacturers and importers on the one hand and the organizations for collective administration of the economic rights of authors, phonogram producers and performers on the other hand, and, if the parties fail to agree, by an authorised agency.

3. No remuneration shall be paid for the recording equipment and material referred to in this Article that are exported or constitute professional equipment and material not intended to be used for home recording.

#### Article 40. Use of a Published Phonogram for Commercial Purposes without Consent from the Phonogram Producer and the Performer

Notwithstanding the provisions of Article 37 and Article 38 of this Law, the following shall be authorized without consent from the producer of a phonogram published for commercial purposes and from the performer whose performance is recorded on the phonogram, but against payment of remuneration:

- 1) public presentation of the phonogram;
- 2) broadcasting of the phonogram;
- 3) communication of the phonogram to the public by cable.

The collection, distribution and payment of the remuneration provided for in this Article shall be effected by one of the organizations for the collective administration of the rights of producers of phonograms and performers (Article 43 of this Law) under an agreement concluded between those organizations. Except where otherwise provided in the said agreement, the remuneration shall be distributed equally between the phonogram producer and the performer.

The amount of the remuneration and the manner of its payment shall be determined by agreement between the user of the phonogram or the unions (associations) of users on the one hand and the organizations that manage the rights of phonogram producers on the other, or, where the parties fail to agree, by an authorized agency.

The amount of remuneration shall be set for each form of use of the phonogram.

The users of phonograms shall be bound to submit programs to the organization referred to in this Article containing detailed information on the number of uses of the phonogram, together with such other information and material as is necessary for the collection and distribution of the remuneration.

#### Article 41. Limits of the Rights of the Performer, the Phonogram Producer and the Broadcasting or Cable Distribution Organization

Notwithstanding the provisions of Article 34 to Article 37 and 40 of this Law, it shall be permissible, without consent from the performer, the phonogram producer and the broadcasting or cable distribution organization, and without payment of remuneration, to make use of the

performance or the broadcast or cabled program or the recording thereof, to reproduce phonograms:

1) for the inclusion in a report on current events of short extracts from the performance, the phonogram or the broadcast or cabled program;

2) for the sole purposes of teaching or scientific research;

3) as a means of quoting, in the form of short extracts, from the performance, the phonogram or the broadcast or cabled program, on condition that the quotation is for information purposes and on the understanding that a broadcasting or cable distribution organization may only, for the purposes of a broadcast or cabled program make use of copies of a phonogram published for commercial purposes if the provisions of Article 40 of this Law are respected;

4) in the other cases provided for in Article 19 to 21 of this Law for the limitation of the economic rights of the authors of literary, scientific and artistic works.

Notwithstanding the provisions of Article 34 to Article 37 and 40 of this Law, it shall be permissible, without consent from the performer, the phonogram producer and the broadcasting or cable distribution organization to make use of the broadcast or cabled program or a recording thereof, and also to reproduce the phonogram for personal purposes. Reproduction of the phonogram shall be permissible against payment of remuneration under Article 39 of this Law.

The provisions of Article 34 to 37 of this Law concerning the authorization of the performer, the phonogram producer and the broadcasting organization shall not be applicable to the making of an ephemeral recording of a performance or program, to the reproduction of that recording or to the reproduction of a phonogram published for commercial purposes if the ephemeral recording or the reproduction is made by a broadcasting organization using its own equipment and facilities and for the purposes of its own broadcasts, on condition that:

1) the broadcasting organization has obtained prior authorization to broadcast the performance or the program of which an ephemeral recording is made or performed;

2) the ephemeral recording is destroyed within the period laid down for ephemeral recordings of literary, scientific and artistic works made by broadcasting organizations under the provisions of paragraph 4, Article 21 of this Law; however, a single copy may be preserved in official archives if it is of purely documentary character.

The application of the limitations provided for in this Article shall not prejudice either the normal exploitation of the phonogram, the performance or the program broadcast or transmitted by cable, or recordings thereof, or the normal exploitation of the literary, scientific or artistic works incorporated therein, and it shall likewise not prejudice either the legitimate interests of the performer, the phonogram producer or the broadcasting or cable distribution organization or those of the authors of the works in question.

#### Article 42. Term of related Rights

The rights of the performer under this Law shall have effect for 50 years following the first performance.

The performer's rights to be named and to have the performance protected against any distortion or other derogatory act, laid down in Article 34 of this Law, shall be protected without limitation in time, but are not inheritable.

The rights of the phonogram producer under this Law shall have effect for 50 years following the first publication of the phonogram, or for 50 years following the first recording thereof if it has not been published in the course of that period.

The rights of the broadcasting organization under this Law shall have effect for 50 years following the date of the first broadcast effected by the organization.

The rights of a cable distribution organization under this Law shall be protected for 50 years following the date of the first cable transmission made by the organization.

Any period under this Law shall be calculated as from January 1 of the year following that in which the legal act occurred that marks the starting point of the period.

The right to authorize the use of the performance, phonogram or broadcast or cabled program and the right to remuneration shall pass to the heirs (in the case of a legal entity, to the successors in title) of the performer, phonogram producer or broadcasting or cable distribution organization for the duration of the non-elapsed portion of the terms specified in this Article.

#### **TITLE IV. COLLECTIVE ADMINISTRATION OF ECONOMIC RIGHTS**

##### **Article 43. Objectives of the Collective Administration of Economic Rights**

Organizations for the collective administration of the economic rights of authors, performers, phonogram producers and other owners of copyright or related rights (hereinafter - organizations for the collective administration) may be created for the exercise of the economic rights of those persons or entities in cases where the individual exercise thereof is hampered by difficulties of a practical nature.

Such organizations shall be created as nongovernmental non-commercial organizations; they shall operate within the limits of the mandate entrusted to the owners of copyright or of related rights.

It shall be permissible to create either separate organizations for particular rights and particular categories of owners, or organizations that administer various rights on behalf of various categories of owners, or again one organization managing both authors' rights and related rights.

##### **Article 44. Mandate of Organizations for the Collective Administration**

The mandate for the collective administration of economic rights shall be entrusted either direct, by the owners of copyright or related rights in written contracts, or under appropriate contracts with foreign organizations that administer equivalent rights. Such contracts shall not constitute authors' contracts, and the provisions of Article 25 to Article 29 of this Law shall not be applicable to them.

Any author or his heir or any other owner of copyright or related rights protected under Title III of this Law may, by contract, entrust the exercise of his economic rights to a collective administration organization, and the latter shall agree to exercise those rights on a collective basis the rights in question form part of its statutory activity.

Collective administration organizations shall not be entitled to engage in the exploitation of the works and subject matter of related rights for which they have received a collective administration mandate.

The organization for the collective administration of economic rights shall grant users licenses for the use of the relevant works and subject matter of related rights by appropriate means. The conditions on which such licenses are granted shall be identical for all users in a given category. The organization shall not be entitled to refuse a license to a user without valid reason.

The licenses in question shall authorize the use, by the means that they specify, of all the works and subject matter of related rights, and shall be granted in the name of all the owners of copyright or related rights, including those who have not mandated the organization under this Article.

The organization that grants the license shall settle problems arising from claims made by owners of copyright or related rights against users in connection with the use, under the license, of their works or subject matter of related rights.

If an organization for the administration of economic rights has remuneration in its possession that has not been claimed for three years following the date of the collection thereof, it may retain it and either include it in the sums that it distributes or assign it to other purposes of interest to the owners of copyright or related rights that it represents.

#### Article 45. Functions of Organizations for the Collective Administration

An organization for the collective administration of economic rights shall, on behalf of the owners of copyright or related rights that it represents and on the basis of the mandates entrusted to it, perform the following functions:

- 1) negotiation, with users, of remuneration amounts and other conditions to which the grant of licenses is subject;
- 2) licensing of users for the exploitation of rights the administration of which forms part of its activities;
- 3) negotiation, with users, of remuneration amounts where it is responsible for collecting such remuneration without granting a license (part 3, Article 39, part 2 and 3, Article 40 of this Law);
- 4) collection of the remuneration provided for in licenses or that referred to in subparagraph (3) of this Article;
- 5) allocation and payment of the remuneration collected under subparagraph (4) of this Article to the owners of copyright and related rights that it represents;
- 6) performance of any legal act essential to the defense of the rights the administration of which forms part of its activities;
- 7) performance of any other activity under mandates received from the owners of copyright or related rights.

#### Article 46. Obligations of Organizations for the Collective Administration

An organization for the collective administration of economic rights shall act in the interest of the owners of copyright or related rights that it represents. To that end it shall discharge the following obligations:

- 1) at the same time as the remuneration is paid, it shall report to the owners of copyright or related rights on the use of their rights;
- 2) it shall use the remuneration collected under paragraph 4, Article 45 of this Law exclusively for allocation and payment to the owners of copyright or related rights; however the organization has the right to deduct from the amount of the remuneration collected a sum intended to cover expenditure actually incurred by it in the collection, allocation and payment of the remuneration, and also a sum payable to a special fund established by it for the benefit of the owners of copyright and related rights that it represents, and with their agreement;
- 3) it shall allocate the remuneration collected, after deduction of the sums referred to in paragraph 2 of this Article, and ensure the regular payment thereof.

Owners of copyright or related rights who have not mandated the organization to collect the remuneration provided for in paragraph 4, Article 45 of this Law shall be entitled to demand that the organization pay them the remuneration accruing to them according to the allocation made, or alternatively that it exclude their works or subject matter of related rights from the licenses that it grants users.

### **TITLE V. SANCTIONS FOR THE PROTECTION OF COPYRIGHT AND RELATED RIGHTS**

#### Article 47. Violations of Copyright and Related Rights. Counterfeit Copies of Works and Phonograms

Copies of a work or phonogram that are manufactured or distributed in violation of copyright or related rights shall be deemed counterfeit copies.

Copies of works or phonograms protected in the Republic of Tajikistan under this Law that are imported into the Republic of Tajikistan without the consent of the owner of the

copyright or related rights from a State in which the said works or phonograms have never been protected or have ceased to be protected shall also constitute counterfeit copies.

Any natural persons or legal entities that do not meet the requirements of this Law bear the responsibility according to the legislation.

#### Article 48. Sanctions for the Protection of Copyright and Related Rights

The owners of exclusive rights, whether copyright or related rights, may demand of the infringer of his rights:

- 1) recognition of the said rights;
- 2) restoration of the situation obtaining prior to the infringement of the said rights and the cessation of the acts that infringe or are liable to infringe them;
- 3) payment of damages, including loss of earnings;
- 4) the surrender, in place of the payment of damages, of revenue derived by the infringer from the infringement;
- 5) the adoption of such other measures provided for in legislative texts as are recognized for the defense of his rights.

The choice between the measures referred to in paragraph 3 - 4 of this Article shall be made by the owner of the copyright or related rights.

Counterfeit copies of the work or phonogram, may be handed over on request to the owner of the copyright or related rights.

Counterfeit copies of the work or phonogram shall be destroyed if the owner of the copyright or related rights has not demanded that they be handed over to him.

**NOTE:** the Project of the Law has undergone an examination by experts of World International Property Organization (WIPO) and it has received a positive mark and it was confirmed that it meets the requirements of international copyright conventions.

Item 2.

a)

**The Government of the Republic of Tajikistan**

**DECREE**

**Of July 1, 1999**

**No. 251**

**the city of Dushanbe**

On the Minimum Amounts of Author's Remuneration for Publication of Works of Science, Literature, Art and Implementation of Orders on Creation of Dramatic, Musical, Musical and Dramatic and Literary Works for Public Performance or for the Right of the First Public Performance of Unpublished Works

In accordance with the Law of the Republic of Tajikistan "On Copyright and Related Rights" The Government of the Republic of Tajikistan

**resolves:**

1. To approve and to constitute from July 1, 1999;  
the Minimum Amounts of Author's Remuneration for Publication of Works of Science, Literature under the Enclosure No. 1;  
the Minimum Amounts of Author's Remuneration for Implementation of Orders on Creation of Dramatic, Musical, Musical and Dramatic and Literary Works for Public Performance or for the Right of the First Public Performance of Unpublished Works under the Enclosure No. 2;
2. The Ministry of Finance shall implement additional expenditure connected with the realization of this Decree in the second half-year 1999 at the expense of reserve fund of the President of the Republic of Tajikistan.
3. The concrete amount of the remuneration of the author, the procedure and the period for its payment are established by interested parties when concluding of the contract;
4. The minimum amounts of author's remuneration shall be indexed at the same time as minimum wage amounts.
5. To consider the Decree of the Council of Ministers of the Republic of Tajikistan of March 2, 1993 No. 92 "On Increasing of Rates of Authors Remuneration for Public Performance of Works of Literature and Art"; the Decree of the Government of the Republic of Tajikistan of September 3, 1996 No. 391 "On the Rates of Authors Remuneration for Publication of Works of Science, Literature, Art and Public Performance of Works of Literature and Art" as stale.

**The Chairman of the Government  
of the Republic of Tajikistan**

**E. Rakhmonov**

**Enclosure №1**  
**For the Decree of the Government**  
**of the Republic of Tajikistan**  
**of July 1, 1999 № 251**

**Minimum Amounts of Author's Remuneration for Publication of Works of Science,  
Literature and Art**

**Original works of Science, Literature and Art**

№	Type of work	Norms of edition (thousand of copies)	Amounts of Author's Remuneration per 40000 typographical units (Tajik rouble)	Amounts of Author's Remuneration for all work
1	2	3	4	5
1.	Belles-lettres	up to 4	50000	-
2.	Poetry	up to 3	200 (per line)	-
3.	Exposition and proceeding of literary works	up to 3	30000	-
4.	Literature on all scientific and technical problems, monographs	up to 3	40000	-
5.	Popular scientific literature	up to 3	40000	-
6.	Educational literature:			
	For higher and specialized secondary establishments	-	35000	-
	For contemporary schools	-	30000	-
7.	Articles for encyclopedias:			
	Up to 0,5 * 40000 typographical units	-	-	18000
	Over 0,5 * 40000 typographical units	-	36000	-
8.	Lexical and spelling dictionaries for:			
	Languages with letter written language	-	25000	-
	Rare and ancient languages with ligature written language, its own script, hieroglyphs and cuneiform	-	35000	-
9.	Methodical literature	-	20000	-
10.	Reference books	-	30000	-
11.	Albums	-	15000	-
12.	Tear-off calendars:			
	Original works	-	-	1300 (for review)
	Selection of literary material for calendar, including illustrations	-	-	200 (for tear-off sheet)
13.	crosswords, chain words, cryptograms, quizzes, rebuses, charades, puzzles, riddles	-	-	4500

**II. Translations of works**

№	Type of work	Amounts of Author's
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		Remuneration for interpreter per 40000 typographical units
1	2	4

1.	Belles-lettres	25000
2.	Poetry	100 (per line)
3.	Literature on all scientific and technical problems, monographs, monographs	20000
4.	Popular scientific literature	20000
5.	Educational literature:	
	For higher and specialized secondary establishments	18000
	For contemporary schools	15000

**Note:**

1. Minimum amounts of author's remuneration for translations from rare languages with ligature written language, its own script, hieroglyphs and cuneiform, from ancient languages, as well as translations in rare foreign languages, which have its own script, hieroglyphs and cuneiform are increased by 30 per cent.

2. Word for word translations are paid independent from edition.

Poetry - 90 roub. per line;

Belles-lettres - 12000 roub. per 40000 typographical units;

Works of political, scientific, industrial and technical, educational and other literature – 9000 roub. per 40000 typographical units.

3. Translations of texts for musical works being published together with music written for them are paid on amounts, provided for ordinary edition of translations of suitable belles-lettres works.

4. An author and a publishing house when including agreement on some types of works may use peace-payment.

5. If editions of the works more than indicated norms the exceeding is paid in proportion.

**III. Compilations**

№	Type of work	Amounts of Author's Remuneration for compiler per 40000 typographical units	Amounts of Author's Remuneration for all work
1	2	3	4

1.	Subject compilations and encyclopedia books for children	14000	-
2.	Reading-books on belles-lettres and educational literature	14000	-
3.	Compilations of belles-lettres materials:		
	With scientific and technical preparing	10000	-
	Without textual criticism preparing	6000	-
4.	Compilations of proverbs, sayings, popular expressions, literary miniatures	24000	-
5.	Selections of words for dictionaries all types, including special ones	60 (for word)	-



6.	Small-volume ones up to 250 terms	100 (for word)	-
7.	Annotated selection of words	200 (for word)	-
8.	Selections archives materials	12000	-
9.	Selections, one-volume editions, selected works and collected works (literary works, except belles-lettres):		
	With scientific and textual criticism preparing	6000	-
	Without textual criticism preparing	5000 (for one chosen name)	-
10.	Systematized compilations of official materials, annotated and other catalogues	3000	-
11.	Musical compilations with predominance of word text	6000	-
12.	Musical compilations with predominance of musical material		1300 rub., per each work including in compilation

**Note:**

1. Compiling of compilations is paid independent of edition.
2. Republication of compilation of folk music works is paid on condition that compiler self-dependently modifies the works included if the compilation self-dependently.

**IV. Musicals and musical-literatures works**

№	Type of work	Norms of edition (thousand copies)	Amounts of Author's Remuneration for all work
1	2	3	4

**Operas, ballets, musical comedies, мюзиклы  
(clavier или score)**

1.	Opera (many acted)	5 clavier 0,5 score	140000 215000
2.	Ballet (many acted)	3 clavier 0,5 score	95000 150000
3.	Many acted musical comedy, musical, musical drama	5 clavier 0,5 score	70000 110000
4.	One-act: opera, ballet, musical comedy, мюзикл, musical drama	5 clavier 0,5 score	40000 50000

**Works for symphony orchestra  
(clavier or score)**

5.	Symphony	2 clavier 0,5 score	60000 80000
6.	Oratorio	2 clavier 0,5 score	55000 65000
7.	Cantata	2 clavier 0,5 score	35000 45000
8.	Concert with orchestra, concert for orchestra, large program symphonic work	2 clavier 0,5 score	45000 65000
9.	Suite, overture, fantasia, rhapsody and other analogous symphonic works	3 clavier 1 score	35000 45000
10.	Small symphonic works (march, dance and others)	6 clavier 3 score	16000 25000

**Works for orchestras of folk  
musical instruments and brass bands**

- |     |   |         |       |
|-----|---|---------|-------|
| 11. | Concert with orchestra, suite, overture, fantasia, pot-pourri | 2 score | 45000 |
| 12. | Произведения малых форм (марши, танцы and others)             | 3 score | 16000 |

**Works for variety orchestras  
and concert ensembles**

- |     |                                       |         |       |
|-----|---------------------------------------|---------|-------|
| 13. | Suite, overture, fantasia             | 2 score | 25000 |
| 14. | Small piece (march, dance and others) | 3 score | 9000  |

**Note:** works, provided by paragraphs 11, 12, 13, 14 of this Section are submitted in score. In case of submitting of clavier the payment is 50% from remuneration for score.

**Chamber works**

- |     |   |           |       |
|-----|---|-----------|-------|
| 15. | Quintet, quartet, trio and other ensembles, solo or ensemble sonata | 1 score   | 32000 |
| 16. | Suite for chamber ensemble, variations, scherzo and others          | 1,5 score | 20000 |
- Small works for separate musical instruments (nocturne, prelude, etude, dance and others)**
- |     |   |   |       |
|-----|---|---|-------|
| 17. | For concert performance                     | 3 | 10000 |
| 18. | Pedagogical and for first stage of teaching | 5 | 6000  |

**Note:** As a rule score is an original work, and clavier is considered as arrangement and is paid up to 40% suitable remuneration for original work. Sometimes (when editing opera, ballet, musical comedy) clavier may be considered as original work; in those cases score is considered as arrangement and is paid up to 40% suitable remuneration for original work.

**Vocal works**

- |     |  |                                  |       |
|-----|--|----------------------------------|-------|
| 19. | Many-parted works for chors without accompanied by musical instruments                                     | 1                                | 55000 |
| 20. | One-part works for chors without accompanied by musical instruments  | 3                                | 15000 |
| 21. | Many-parted хоровые works accompanied by piano, bayan or other instruments                                 | 2                                | 40000 |
| 22. | One-part works for chorus accompanied by piano, bayan or other instruments                                 | 5                                | 15000 |
| 23. | Vocal ensembles with or without accompaniment (duet, trio, quartet, quintet, and others)                   | 3                                | 20000 |
| 24. | Mass of variety song for part of chors accompanied by piano or bayan                                       | 10<br>100<br>(leaflet-song-book) | 10000 |
| 25. | One-part music for songs (without accompanied by musical instruments)                                      | 1                                | 4000  |
| 26. | Concert works for part with accompanied by musical instruments (romance, ballade, vocalization and others) | 2                                | 15000 |

1	2	3	4
---	---	---	---

**27. Texts for musical works**

- |     |   |             |       |
|-----|---|-------------|-------|
| 28. | Libretto of opera                         | Number of   | 45000 |
| 29. | Libretto of musical comedy                | copies are  | 35000 |
| 30. | Libretto of one-act opera, musical comedy | established | 15000 |

		according to suitable type of musical works	20000 30000 10000
31.	Libretto of cantata		
32.	Libretto of oratorios		
33.	Expressed in verse text of songs and romances		

**Note:** amounts of author's remuneration for publishing of texts for musical works are applied only those cases when the works are published in common with music written for them or as explanation to a play or a concert. In other cases for edition of texts for musical works are applied amounts of author's remuneration for belles-lettres.

1	2	3	4
<b>Musical &amp; pedagogical works</b>			
34.	Teach-yourself books on music	30	16000
35.	School on music	20	10000

**Note:**

1. Textbooks and training aids on music, books on musical science, history and theory of music and other literary works connected with music are paid in the procedure provided for suitable literary works.

2. Free arrangements of melodies (original music texture of arrangements) are paid on 75-100% from remuneration for original works.

Arrangements, inserting new creative elements into musical texture of original works are paid on 75-100% from remuneration for original works.

3. Change of texture of original works, necessitated only adaptation the arrangement to other type of performance is paid as arrangement.

Arrangements (using of finished author's material for other type of performance, clavier, etc.) are paid as the follows:

arrangements having difficult musical texture - 30% from remuneration for original work;

simplest types of arrangements – 15% from remuneration for original work;

compiling of directions - 200 Tajik rubles per bar.

4. Orchestration is paid as a follows:

the difficult types of orchestrations (for symphonic orchestra, orchestras of folk and wind instruments and other type of сложной оркестровки) - 600 Tajik rubles per bar;

the simple types of orchestrations – 300 Tajik rubles per bar.

5. Arrangements are paid proceed from dimensions provided for that type of works to which the work is concerned after arrangement.

6. An author of arranged work received the remuneration proceed from the norms of edition and 25% of minimum remuneration provided for the type of из норм тиража и 25 work to which the work is concerned after arrangement.

7. Records of folk music works (in notation in music form) are paid as a follows:

	Simple	Compound or long	Compound and long
One-part	400	600	800
Two-parts	800	1000	1400
Three-parts	1200	1500	1600
Four-part and many-parts	2000	2600	4000

**V. Illustrations:**

Illustration material in books, albums, etc., submitted by author of the book, оплачивается аккордно или поштучно, по соглашению с автором.

Original illustrations submitted by author in finished condition fitted for producing of printing form - 100% from the amount of remuneration for text;

Original illustration material, which demands completing, touching up, retouching on originals submitted by the author - 70% from the amount of remuneration for text, original illustration material, which demands redrawing, drawing on drafts, sketches, photos submitted by the author - 50% from the amount of remuneration for text;

Illustrations, selected by author from other editions or service-related materials with mentioned sources or enclosing of press-cuttings - 25 % from the amount of remuneration for text.

For payment of author's remuneration for illustrations for albums with format not less 1/8 sheet measuring 60 x 84 cm standard sheet (40000 typographical units) is equal 8 type pages of the paid album.

In other editions of illustrations standard sheet is equal 3000 square cm of the area of the illustration in the printed work.

For calculation of the standard sheet in the books (in that number in musical compilations with predominance of word text) 3000 square cm of the area occupied with musical examples is equal 1 standard sheet (40000 typographical units). Musical examples put in the books are paid as follows:

Original ones – 100% from the amount of remuneration for the standard sheet, adopted ones – 25% from the amount of remuneration for the standard sheet.

VI. For the publishing of work created by two or some authors in that number by author-specialist and author who makes literary form for the work the remuneration is distributed between coauthors according to an agreement.

**Enclosure №2  
For the Decree of the  
Government  
of the Republic of Tajikistan  
of July 1, 1999 № 251**

**Minimum Amounts of Author's Remuneration for Implementation of Orders on  
Creation of Dramatic, Musical, Musical and Dramatic and Literary Works for  
Public Performance or for the Right of the First Public Performance of  
Unpublished Works**

№	Type of works	Amounts of Author's Remuneration (Minimum)
1	2	3

**Drama works**

1.	Plays many-acted in prose	200000
	in verse	250000
2.	One-act plays in prose	60000
	in verse	80000
3.	Plays many-acted for theaters for youthful spectators in prose	250000
	in verse	300000
4.	Plays many-acted for puppet-show in prose	150000
	in verse	200000
5.	Adaptation for stage many-acted	100000
6.	Adaptation for stage one act	50000
7.	Translate of many-acted plays in prose	70000
	in verse	100000
8.	Translate of one-act plays in prose	25000
	in verse	42000

**Musical works**

9.	Opera (many-acted)	956000
10.	Ballet (many-acted)	637000
11.	Musical comedy (many-acted), musical	478000
12.	Oratorio (for chorus a'capella, chorus with symphonic orchestra, orchestra of folk instruments, brass band and chamber orchestra)	398000
13.	Symphony (for symphonic orchestra, orchestra of folk instruments,, brass band and chamber orchestra, chorus a'capella)	478000
14.	Cantata, large program symphonic works, synphonietta, poem (for symphonic orchestra, orchestra of folk instruments, brass band and chamber orchestra, chorus a'capella)	320000
15.	Suite, variations (for symphonic orchestra, orchestra of folk instruments, brass band and chamber orchestra and variety orchestra)	

	95600
16. Large one-part musical instrument works (poem, rhapsody, prelude и fugue, variations, passacaglia and others)	79600
17. Concert (for symphonic orchestra, orchestra of folk instruments, brass band and chamber orchestra, chorus a'capella, soloing instruments and part with orchestra)	320000
18. overture for symphonic orchestra, fantasy, rhapsody, pot-pourri and others non-cyclical large works	79600
19. Small one-part works for orchestra	27900
20. Romances for part with orchestra	25900
21. Cyclical works for brass band, variety orchestra, orchestra of folk instruments	71600
22. March for brass and other orchestras	25900
23. Dances and works of variety entertainments for orchestra folk musical instruments, variety and other orchestras, including piece for soloing instruments accompanied by orchestra	25900
24. Chamber ensembles for many-parted works (duets, trios, quartets, quintets, sextet, and others including ensemble sonatas)	155000
25. Suite for chamber ensemble	71600
26. Sonata for soloing instruments	120000
27. Small chamber works	16000
28. Many-parted works for chores without accompanying	112000
29. Works of variety entertainments for chores without accompaniment	32000
30. Many-parted works for chores with instrumental accompaniment	79600
31. Works of variety entertainments for chores with instrumental accompaniment	25900
32. Romances, ballades, vocalizes, concert arias, and other chamber works for part with accompaniment	21000
33. Music for songs (in the form of clavier)	60000
34. One-part melodies for songs without accompaniment	7200

1	2	3
35.	Music for circus number (cyclical work)	55800
36.	Music for circus attraction, pantomime, plot circus play in one part, ballet on ice	145000
37.	Music for theatrical and dramatic performance	99600
38.	Many-acted musical drama (having not less 30 numbers)	160000
39.	Opera for performance by children art collectives through	320000

**Note:**

1. Music of one-act opera, ballet, musical comedy and musical drama is paid as 40% of amount of remuneration, depend of significance of work.
2. Arrangement of folk songs is paid as 75 % of amount of remuneration for original work.
3. Free orchestra arrangements of melody мелодий (original musical texture arrangement) are paid as 100% of amount of remuneration for original work.
4. Musical instruments arrangements (free) are paid as 50% of amount of remuneration for original work.
5. Musical instruments arrangements (simple) are paid as 25% of amount of remuneration for original work.
6. Payment of musical works for children and youth, musical & pedagogical works and works for child musical schools is realized according to amounts provided for suitable genre of work.

1	2	3
---	---	---

**Literary works connected with music**

40.	Libretto of many-acted opera	170000
41.	Libretto of many-acted musical comedy, musical	170000
42.	Libretto of many-acted musical drama	50000
43.	Libretto of many-acted ballet	60000
44.	Libretto of oratorio, cantata	50000
45.	Translation of libretto of many-acted opera, musical comedy, musical	85000
46.	Translation of libretto of many-acted musical drama	30000
47.	Translation of libretto one-act opera, musical comedy, musical	50000
48.	Translation of libretto of one-act musical drama	5400

**Note:** Payment of libretto of one-act opera, ballet, musical comedy and musical drama, ballet and choreography of one-act ballet is realized from 40% of amounts for suitable many-acted work depend of significance.

**Works for variety and circus**

49.	Sketches, dram etudes	20000
50.	Topical satires, miniatures, interludes, compering (through), stories, short stories, monologues	20000
51.	Texts for songs	10000
52.	Satirical songs and chastooshkas (for quatrain)	800
53.	Music for satirical songs and chastooshkas	3000

**Note:** Two-part music for satirical songs is paid according to paragraph 33 of this Enclosure.

54.	Montages, compositions, literary mountings of variety numbers and numbers of original genre	7200
55.	Opening monolog for master of ceremonies	7200
56.	Prologue and final for performing by collective	8100
57.	Short dialog (interlude)	3000
58.	Short expressed in verse text	3200
59.	Gallery	6300
60.	Literary arrangement of antre	6300
61.	Clown antre, antre for musical clowns	2000
62.	Reprise	6300
63.	Pantomime, plot circus performance (libretto and text)	7200
64.	Scenario of circus number (plot, acrobatic feat and technical working out of new original number)	20000
65.	Scenario of circus attraction (plot, acrobatic feat and technical working out of new original number)	50000
66.	Musical prelude, entr'acte for circus or variety show	20000
67.	March, galop, waltz, polka, intermezzo, romance and other small plays	20000
68.	Variety entertainments, for accompaniment of circus or variety number	2800
69.	Music compilation mountain of circus or variety number	2500
70.	Scenarios and texts plot variety performances	83000
71.	Literary scenario of mass holiday	80000

**Note:** 1000 Tajik rubles = 1 somoni (new currency of the Republic of Tajikistan)



b)

**The Government of the Republic of Tajikistan**

**DECREE**

**Of July 1, 1999**

**No. 252**

**the city of Dushanbe**

**On the Minimum Amounts of Author's Remuneration for Public Performance of Works of Literature and Art, Reproduction of Work in Sound (Mechanical) Recording and Distribution of Copies of Phonograms and Audiovisual Works and Reproduction of Works of Fine Arts and Reproduction of Works of Applied Art in an Industrial Process**

In accordance with the Law of the Republic of Tajikistan "On Copyright and Related Rights" The Government of the Republic of Tajikistan

**r e s o l v e s:**

1. To approve and to constitute from July 1, 1999;  
the Minimum Amounts of Author's Remuneration for Public Performance of Works of Literature and Art under the Enclosure No. 1;  
the Minimum Amounts of Author's Remuneration for Reproduction of Works in Sound (Mechanical) Recording and Distribution of Copies of Phonograms and Audiovisual Works under the Enclosure No. 2;  
the Minimum Amounts of Author's Remuneration for Reproduction of Works of Fine Arts and Reproduction of Works of Applied Art in an Industrial Process under the Enclosure No. 3.
2. The concrete amount of the remuneration of the author, the procedure and the period for its payment are established by interested parties when concluding of the contract.

The Chairman of the Government  
of the Republic of Tajikistan

E. Rakhmonov

**MINIMUM AMOUNTS OF AUTHOR'S REMUNERATION  
FOR PUBLIC PERFORMANCE OF WORKS OF LITERATURE AND ART**

**I. Minimum Amounts of Author's Remuneration for Public Performance of Dramatic Works (percentage from gross revenue for sale of entrance tickets)**

№	Type of works	Author's Remuneration from sum of gross revenue (per cent)			
		In that number to			
		Author	Producer	Composer (1% per act)	Artist-director/ artist on dresses
1.	Many-acted play in prose	8	3		0,5/0,5
2.	Many-acted play in verse	10	3		0,5/0,5
3.	One-act play in prose	3	1,5	1	0,5/0,5
4.	One-act play in verse	3,5	1,5	1	0,5/0,5

**Note:**

1. author's remuneration for public performance of adaptations for stage is paid in amount, provided for author and distributed in the following way:

30% - to author

70% - to author of adaptation for stage;

2. For translation of plays the author's remuneration is paid in amount provided for author and it is distributed in the following way:

60% - to author

40% - to interpreter

**II. Minimum Amounts of Author's Remuneration for Public Performance of musical and Dramatic Works (percentage from gross revenue for sale of entrance tickets):**

№	Type of works	Author's Remuneration from sum of gross revenue (per cent)				
		In that number to				
		Composer	Author of libretto	Producer (ballet-master)	Choreogra-pher	Artist-director/ artist on dresses
1.	Opera many-acted	8	4	2	-	0,5/0,5
2.	Opera one-acted	3	1,5	1	-	0,5/0,5
3.	Ballet many-acted	7	2	2	2	0,5/0,5
4.	Ballet one-act	3	1	1	1	0,5/0,5
5.	Musical comedy, musical: many-acted one-acted	5	5	1	1	0,5/0,5
		2	2	0,5	0,5	0,5/0,5

**Note:**

1. If libretto of opera, ballet, musical comedy, or musical written on basis literary work protected by copyright author's remuneration indicated for author of libretto is divided in the following way:

30% - to author of literary work

70% - to author of libretto

2. When public performing translated works the sum of author's remuneration provided for the author of libretto is divided between the author of the work and the interpreter accordingly 60% and 40%.

**III. Minimum Amounts of Author's Remuneration for Public Performance of musical and literary works in concerts, musical evenings, variety, circus, and dance programs:**

№	Type of works	Author's Remuneration from sum of gross revenue (per cent)
<b>1</b>	<b>2</b>	<b>3</b>

1. Concert of symphonic, vocal and symphonic, chamber works, and works for folk musical instruments 7 (for all program)

1	2	3
2.	Other concerts, in that number variety show	3 (for all program)
3.	Circus program	1 (for all program)
4.	For performance of pantomime, magical show, ballet, topic attraction taking up not less one independent part in circus program	0,5 (per each part, independently from extra charge according to par. 3 if this Enclosure)
5.	For performance of original music, created specially for accompaniment of circus pantomime, magical show, ballet, attraction taking up not less one independent part, as well as for music for puppet-show (without literary text) and for program of actors of original genre	0,25 (per each part, independently from extra charge for performance of these programs)
6.	For performance of musical works with or without accompanying text, literary works in cinemas, cafés, restaurants, bars, exhibitions and other places (free of charge entrance):	
	a) when performing by artists-performers	5 (from sum of remuneration for performers)
	б) when using phonogram	0,2 (from sum of income of payer received from basic activity)
7.	For performance of musical works with or without accompanying text in dance pavilions, discos, in clubs, bars, cafes, restaurants and other public places with requiring payment entrance (both when performing by artists-performers and when using phonogram)	5 (for all program)
8.	theatrical, variety, circus performances and concerts, performed on mass arenas, musical accompaniment of sport competitions and demonstration performances	0,5 (for all program)
9.	Variety performance with through plot	0,4 (for all program)
10.	Variety performance with through plot performing on mass arena	0,75 (for all program)

**Note:** In case of need to define the genre of work and amounts of author's remuneration corresponding to it, interested parties may apply for the consulting at the Ministry of Culture of the Republic of Tajikistan

**Minimum Amounts of Author's Remuneration for Reproduction of Works in  
Sound (Mechanical) Recording and Distribution of Copies of Phonograms and  
Audiovisual Works**

№	Type of using of work	Amounts of Author's Remuneration (per cent)
1.	Producing of phonograms in an industrial process	5 – from selling price of each copy
2.	Producing of solitary copies of phonograms by individual order	5 - from income received for producing of solitary copies of phonograms
3.	Renting of copies of phonograms	5 – from income for renting
4.	Renting of copies of audiovisual works	5 – from income for renting

**Note:** selling price is a price, on which copies of phonograms supplied by producer for sale. Income is a sum received from individual customers.

1. Amounts of author's remuneration provided by the Enclosure No. 2 are minimum, and they are implemented unless otherwise provided in an agreement between interested parties.

2. All government and non-government enterprises, organizations and offices, as well as natural persons which is occupied with producing and distributing of phonograms and copies of audiovisual works are payers of author's remuneration.

3. Enterprises, organizations and offices which is occupied with producing and distributing of phonograms and copies of audiovisual works must submit necessary documents by order of authorized organization which is occupied with protection of author's economic rights.

4. All payers must get permission (license) on appropriate using of the work from authors, their successors of rights or organization for the collective administration of the economic rights of authors.

**Minimum Amounts of Author's Remuneration for Reproduction of Works of Fine Arts  
and Reproduction of Works of Applied Art in an Industrial Process**

№ п/п	Type of Works of Fine Arts	Amounts of Author's Remuneration as percentage from selling price of each copy of the work
1.	Sculptural works : Up to 50 copies From 51 to 200 copies Over 200 copies	5 3 2
2.	Works of Fine Arts in that number photo, on industrial-made goods (souvenirs, haberdashery, etc.)	0,5
3.	Works of decorative and applied art: a) Works of decorative and applied art of utilitarian purpose (services, vases, lamps, tiles, hall-stands etc.) б) small and simple utilitarian decorative and souvenir goods, small haberdashery goods (in that number breastplates, trinkets, etc.) в) decorative and applied goods of utilitarian purpose (cases, packing, bottle of perfume) г) weaving goods (table-cloth, bedspreads, towels, etc.) д) cloth (from selling price of long meter) e) knitted, hand-work knitted, stitch-embroidered goods, laces, footwear (in the presence of peculiarities permitting to refer the goods to works of decorative and applied art)	2 2 1 3 0,1 3 1

ж) furniture (in the presence of peculiarities permitting to refer the goods to works of decorative and applied art)	1
з) toys	
и) adornments, in that number jewelry:	1,5
made of non-precious materials	
made of precious materials	1
к) wallpaper, oil-cloths, etc. (from selling price of piece, long meter)	0,05
л) carpets:	1
machine-made carpets	
handwork carpets	0,5
м) textile haberdashery	2
	1

**Note:** for producing works of the small plastic arts and diminutive sculpture are used amounts provide for reproduction of sculpture works.

**The procedure of implementing of minimum amounts of author's remuneration for reproduction of works of fine arts and reproduction of works of applied art in an industrial process:**

1. Author's remuneration for reproduction of works of fine arts and reproduction of works of applied art in an industrial process is paid besides author's remuneration for creation of work. The amount of the author's remuneration for creation of works of fine arts and reproduction of works of applied art in an industrial process are fixed by mutual agreement.

2. The amounts of the author's remuneration provided by this Enclosure are minimum, and they are implemented unless otherwise provided in an agreement between interested parties.

3. Author, who created a model of work of fine art or applied art for reproduction or reproduction in an industrial process in the course of duty obligations or in the performance of an assignment expressly given by the employer (service-related work) receives the author's remuneration for reproduction or reproduction in an industrial process of such work under the norms provided by this Enclosure unless otherwise provided in an agreement between interested parties.

4. Legal entity or natural person carrying out the reproduction of works of fine arts or applied art is payer of author's remuneration.

5. Amount of author's remuneration are specified in the form of a percentage of the selling price of each copy of the manufactured articles by which manufactured articles are handed over for sale by payer.

6. An author of a work may right for receiving one additional copy paying it at cost price with the exceptions of manufactured articles made of precious metal and with precious stones.

An author may purchase copies of manufactured articles representing measuring materials (clothes, oil clothes, etc.) in number that is necessary for their demonstration at exhibition according to its conditions.

c).

**The Government of the Republic of Tajikistan**

**DECREE**

**Of February 4, 2002**

**No. 37**

**the city of Dushanbe**

**On the Minimum Amounts of Author's Remuneration  
for Artistic and Graphic and Photographic Works for Printing**

In accordance with the Law of the Republic of Tajikistan "On Copyright and Related Rights" The Government of the Republic of Tajikistan

**r e s o l v e s:**

1. To approve the minimum amounts of author's remuneration for artistic and graphic and photographic works for printing under the Enclosure.
2. To establish that concrete amount of the remuneration of the author, the procedure and the period for its payment are established by interested parties when concluding of the contract.
3. The minimum amounts of author's remuneration shall be indexed at the same time as minimum wage amounts.

The Chairman of the Government  
of the Republic of Tajikistan

E. Rakhmonov



Minimum Amounts of Author's Remuneration  
for Artistic and Graphic and Photographic Works for Printing

Part 1. Creative works

Minimum amounts of author's remuneration for creation of artistic and graphic and works for printing

Section A. Books, brochures, albums, magazines, informational and advertisement editions of book and folding type, calendars, postcards

№	Type of work	Unit of measure	Rate (somon)
1	2	3	4
1.	Working of principal lay out	Edition	120
2.	Making of calculated lay out	Tern	18
		Type page	10
3.	Making of make up page with glued elements on plane-table of graphic originals and text	Tern	10
		Type page	7
		Complete set of post cards, page editions, combine post cards	7

**Note:** When working the lay out of especially difficult and series editions which demands technological contraction as well as editions in foreign languages the rate is increased by 25%.

Price of selection of illustration material is 2 somoni per piece (which formed a part of edition).

**B. Covers, dust-covers, book-covers, cases**

1.	Plot, theme, decorative, printing, with using photo (separately for each side)	Piece	100
2.	Compositions for jobbing [printing] work, backs (ordered separately)	Piece	36

**Note:** plot, theme, many-colored covers for editions of pocket format is paid with extra charge by 25%.

**B. Title pages, avant-title, title half title**

1	2	3	4
1.	Plot, theme, decorative, printing, with using photo	Piece	50
2.	Compositions for jobbing [printing] work	Piece	18

**Г. End sheets**

1.	Plot, theme, decorative, printing, with using photo	Piece	100
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**Д. Illustrations and frontispieces**

1.	Type page ones	Piece	80
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2.	Half type page ones	Piece	50
3.	Frill ones	Piece	30

**Note:** turn illustrations are paid for each type page according to the rates of paragraph 1, over a half type page is paid in proportion to occupied area according to the rates of paragraph 2.

Illustrations taking up more than 1/3 type page, but less than 3/4 one are paid as a half type page. Illustrations taking up 3/4 type page and more are paid as one- type page ones.

#### **E. Head-pieces, tailpieces, initials, drawn prints**

1.	Plot, theme ones	Piece, sign	30
2.	Decorative and printing	Piece, sign	18

**Note:** head piece measuring more 1/2 type page are paid according to Section *Illustration*, paragraph 1.

#### **Ж. Xylography, lithography, copper-plate, linocut**

1.	Original composition for the first wood, stone plate	Cm <sup>2</sup>	3,6
2.	For the second and following wood, stone plate	Cm <sup>2</sup>	1

#### **3. Emblematic**

(emblems, coat of arms, trademarks, firm inscriptions, signs of service, pictograms)

1.	International and republican significance	Piece	360
2.	Other	Piece	145
3.	Logotype (black and white) Additional sketches	2 sketch	145 +50%

#### **И. Reward documentations, tickets, packings, labels**

1.	Reward documentations (diplomas, addresses, certificates, certificates of good work, etc.)	Type page	160
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1	2	3	4
---	---	---	---

2. Tickets, packing, labels (postal wrappers, bookmarks, napkins, price lists, tags, designation strips, etc. Original 110

**K. Postal editions, informational and technical documentation, pocket calendars**

1. Postage-stamp Original 360
2. Envelopes, art postcards, telegraph forms, pocket calendars, calendar walls:
  - a) plot, theme ones Original 160
  - б) decorative, print with using photo, slides Original 70
3. Forms for letters, and organizing and administrative documentation, leaflets, visiting-card Original 18

**J. Placards**

1. Plot, plot-ornamental, ornamental-decorative ones and mounting of photos Original 360
2. Print ones and placards with using prepared photos, slides, placard-calendars, other placards Original 145

**M. Editions of special construction**

1. Little book-toy, little book-panorama, etc. Plot-panorama 250
2. Construction in the form of design, sketch, model Construction 180
3. Illustrated sides for boxes for games, playing fields in the form of drawing-schemes, colored pictures for playing bricks, drawings for decalcomania Plot, Original 70
4. Original of pictures, mounting constructions and illustration for games cover labels for games, playing fields with common plot Original 110

**H. Artistic portraits**

1. Pictorial ones Original 200
2. Tone ones Original 100
3. Stroke ones Original 80

**O. Training and visual aids, pictures and tables**

1. Battle-painting, historical and life pictures, landscape pictures on geography, pictures on zoology Original 200
2. Original 60

## II. Author's photograph

1	2	3	4
		Negative	20
1.	Photography of separate objects and materials with exposure of texture of surfaces and details; landscapes, theatrical photography, genre portraits, photograph of industrial processes	Slide, Color negative	26
2.	Architectural photograph, photograph of sculpture art, monuments, monumental art, artistic portraits, small art, microphotograph, genre and reporting photograph, photograph of animals and birds in open-air cage, agricultural conditions, chronicle photograph	Negative	20
3.	Photograph of wild animals, animals, birds and insects	Slide, Color negative	35
4.	Photograph effective in stage production, photomontage	Negative	26
		Slide, Color negative	44
		Negative	26
		Slide, Color negative	90

**Note:** All minimum prices for photos and slides provide printing from original measuring 24 x 36 mm. Negatives and slides of most sizes are paid with extra charge: 45 x 60 mm by 50%; 60 x 60 mm by 75%; 60 x 70 mm by 100%; 60 x 90 mm by 120%; 90 x 120 mm by 200%; 130 x 180 mm and more - under a treaty.

For photograph in especially difficult conditions (submarine, speleological, Alpine, in difficult climate conditions, military maneuvers, natural calamities, from aircrafts, in difficult light conditions) the minimum rates are increased in three times.

Photo-essay (6 – 10 photo images as complete work) is paid from 500 somoni and over.

Author's photos prepared for demonstration at photo-exhibitions are paid depend of the rates plus a cost of printing and materials depend of size of the photos.

Prices for photos including in anthologies on photo art, special photo-albums and books about development of an author shall be increased in two times.

Advertisement photograph for demonstration of fashion with participation of photo models, which demands producer's work, special organizing, special artificial light, etc. is especially difficult and it is paid by mutual agreement of parties.

Separate photos of panorama as well as versions, takes and repeated photos of cine-programs are paid as 75% of the minimum rates. Original (as well as sketch) of work is a property of author and it is sent publishing house only for reproduction unless provided otherwise in an agreement.

A publishing house bears the responsibility for safety of all originals of works received from author within a term of agreement. In a case of loss the originals the publishing house completes the author for losses besides remuneration on agreement:

- In the presence of made polygraphical sample – 75% of the remuneration on the agreement;

- In the absence of the sample – 100% of the remuneration on the agreement.

A cost of photo materials as well as being used devices given newspaper photographer is not a part of remuneration.

By payment on the rate for negative an author gives imprint if photograph together with the negative without additional payment.

**P. Rates of author's remuneration for reproduction for printing of works of fine art and photo art created not for reproduction in printing (painting, easel painting, sculpture, applied art, photo, etc.), as well as for reproduction of illustrations and photos, purchased by museums and other organizations**

1	2	3	4
1.	Reproduction in sheet (wall) form	reproduction	100
2.	Reproduction in other printing editions (except monographer editions, dedicated to creativity of a painter) if the area of the reproduction is less 1 standard sheet (40000 typographical units)	reproduction	25

**Note:** author's remuneration for reproduction of illustrations and other elements of decorative design for printing editions if they are not created for those editions are paid according to the paragraphs of this Section.

**PART II. MINIMUM AMOUNTS OF AUTHOR'S REMUNERATION  
FOR ARTISTIC AND GRAPHIC AND PHOTOGRAPHIC WORKS FOR  
REPRODUCTION IN PRINTING.  
EXECUTIVE WORKS**

**I. TECHNICAL ILLUSTRATIONS**

Illustrative material having area less than 50 cm<sup>2</sup> (except xylography) is paid on the rate as for 50 cm<sup>2</sup> and its price may not be less 0,4 somoni.

**A. Industrial designs, schemes, graphics, diagrams of all types**

1	2	3	4
1.	Simple industrial designs, schemes of all types consist of straight lines: contour and with small stroke load up to 10% of working area	Cm <sup>2</sup>	0,05
2.	industrial designs, schemes of all types:		
	a) middle difficulty	Cm <sup>2</sup>	0,08
	б) difficult	Cm <sup>2</sup>	0,1
	в) especially difficult	Cm <sup>2</sup>	0,2
3.	Making of industrial designs and schemes with originals in orthogonal projection, axonometric projections and perspectives and back to front	Cm <sup>2</sup>	0,1

**B. Stroke, ton, color, scientific&technical drawings again and drawings**

1.	Stroke drawings again from stroke originals without change of form and texture with stroke saturation of area up to 75%	Cm <sup>2</sup>	0,15
2.	Stroke drawings again from stroke originals with small changes of form or texture with stroke saturation of area up to 75%	Cm <sup>2</sup>	0,2
3.	Stroke drawings again from stroke originals with large changes of form or texture with stroke saturation of area up to 75% Redrawing again with особо мелкими деталями с полной with stroke saturation of area	Cm <sup>2</sup>	0,3
4.	Stroke redrawing (monochromatic) from tone and color originals with stroke saturation up to 75%.	Cm <sup>2</sup>	0,8
5.	Tone redrawing (monochromatic)	Cm <sup>2</sup>	0,4
6.	Insert of functional color in technical drawings and drawings	Cm <sup>2</sup>	0,3
7.	Construction and making of axonometric	Cm <sup>2</sup>	0,4

	projections according to initial data in orthogonal projections	Cm <sup>2</sup>	0,3
8.	Construction and making of perspectives according to initial data in orthogonal projections	Cm <sup>2</sup>	0,3
9.	Scientific and technical drawings:		
	a) on author's sketch	Cm <sup>2</sup>	0,1
	б) on oral direction of author	Cm <sup>2</sup>	0,15
	в) on directions of author with using additional materials, selection and generalization of them by graphic artist	Cm <sup>2</sup>	0,3
10.	Stroke redrawing of works of fine art	Cm <sup>2</sup>	0,4
11.	Color separation of technical drawings, schemes, graphics, diagrams, tables, etc. on paper, tracing-paper and pellicle with demountable stratum:		
	a) for simple ones		
	б) for middle difficulty ones	Cm <sup>2</sup>	0,1
	в) for difficult ones	Cm <sup>2</sup>	0,12
		Cm <sup>2</sup>	0,2

**Note to Subsections A and B:**

For drawing up of color technical drawings schemes, graphics, diagrams, tables the prices are increased by 75%.

For making works from vague, blind and distorted author's materials the prices are increased by 40%.

Combined illustration material, cartograms, diagrams, technical drawings, schemes with drawings, photo, etc. consisting of elements of different types are stated the value according to costs of the elements.

Parting together many-elemental illustrations and montage are paid according to paragraph 3, Section 1 Subsection A.

Various corrections on illustrations which are through no fault of executor are paid on 10% of price of technical drawings or drawings.

If figurative and graphical works are made for especially artistic editions the minimum rates are increased by 25%.

Conventional signs on curved line are paid 0.04 somoni per sign.

**B. Types (cursive) for illustrations (drawings, schemes, graphics, diagrams, technical drawings) of a height from 2.5 to 6 mm**

1	2	3	4
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1.	Standard type, letters of Greece and Latin alphabets	Sign	0,18
2.	Type of difficult tracing, letters (signs) of oriental languages, calligraphic type and type for chemical formulas	Sign	0,54

**Note:** texts on backgrounds and putting of the signs in set limited area may be paid according to the rates, increased by 100%.

**C. Types drawn and cursive of a height over 6 mm and writing of music**

1.	Types of Cyrillic and Latin alphabets	Sign	0,54
2.	Oriental and hieroglyph types	Sign	1,8
3.	Music line, music system	line	1,8

#### Д. Reproduction of artistic originals (xylography)

1.	For the first and the following wood plate	Cm <sup>2</sup>	1
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#### Е. Technical xylography

1.	Technical xylography and engraving of pellicle	Cm <sup>2</sup>	0,54
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#### Ж. Making of original of press for relief stamping

1.	Portrait, plot, decorative composition	Piece	90
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### 3. Training and visual aids

1.	Trainings and visual aids making in technical drawings (in orthogonal and axonometric projections)	Aid, piece	110
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### CARTOGRAPHICAL WORKS

Payment for making and mounting is realised for all area of map including legend (explanation of conventional sign) except points specially indicated in suitable following paragraphs.

If the area of map less 200 Cm<sup>2</sup> minimum rate for all elements of making and mounting is increased by 75%.

The making is realized with pencil. In case of need fastening with Indian ink (for creation *drawing up original* separate from mounting one) the payment of this work is realized in the rate of mounting of lower gradation

#### A. Drawing up of map

In the term of geographical base (or general geographic load) is included the following elements of deferent difficulty: limits, grids, coast line, river network, road network, political frontier and administrative border, settlements.

№	Type of work	Unit of measure	Rate (somon)
1	Geographical base of map with grid, especially difficult coast line dense river network with many roads and borders; cartographical material of different scales which differs from the scale of being drawn map and in other cartographical projection	Cm <sup>2</sup>	0,6
2	Geographical base of map with grid, difficult coast line and river network in the presents of many roads and borders; cartographical materials similar to being drawn up map projection but in other scale, or cartographical material equal projection but considerably differ from the scale or cartographical material	Cm <sup>2</sup>	0,5
3	Geographical base of map with meddle difficulty of coast line and river network in the presents of roads and borders; cartographical material of similar scales and projection; drawing up is made on pale photo copy with selection, generalization, with using additional		



4	Geographical base of map with simple coast line without roads and borders or with small number of them drawing up is made on pale photo copy with selection and generalization	Cm <sup>2</sup>	0,4
5	Geographical base of map with small number of other elements, bases of map for cartograms drawing up is made on pale photo copy with small selection of other methods of drawing up (tracing-paper, coping table)	Cm <sup>2</sup>	0,3
		Cm <sup>2</sup>	0,4
<b>Б. Drawing up of relief in contour line</b>			
1	Difficult mountain relief cartographical material of different scales and projection, detail plans of towns	Cm <sup>2</sup>	1,2
2	Less difficult mountain relief cartographical material of similar scales and projection or drawing up is made on pale photo copy with informing in that number plans of settlements	Cm <sup>2</sup>	1
3	Hill or dismember plain relief; cartographical material of different scales or drawing up is made on pale photo copy with generalization	Cm <sup>2</sup>	0,6
4	Plain relief; drawing up is made on pale photo copy with some generalization	Cm <sup>2</sup>	0,4

## B. Drawing up of special load

1	2	3	4
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In the term of special load is included all elements of a map, which is not a part in general geographic load (base). For example: sea and air lines, sea currents, roots, isoclinals of deferent types (lines of equal quantitative indices – such as isotherm and others), natural habitats (areas) of spreading deferent objects of phenomena, contours of deferent stroke scale or non scale conventional sings:

1	Point with number and geographical date with plotting detailed borders of separate regions	Cm <sup>2</sup>	0,6
2	Drawing up of small natural habitats (areas) with most generalisations selection and unification deferent natural habitats from maps which differs from being drawn up original with scale and projection	Cm <sup>2</sup>	0,6
3	Drawing up of natural habitats (contours) with generalisations, selection and unification from maps which have scales and projections similar to being drawn up original. Drawing up of isoclinals from maps of deferent scales and projections unification and selection	Cm <sup>2</sup>	0,32
4	Drawing up of large or separate small natural habitats (contours) without unification from maps which have scales and projections similar to being drawn up original. Drawing up of isoclinals with interval over 1 cm with not large selection and unification from maps which have scales and projections similar to being drawn up original. Drawing up of special load from photo copy with generalisation	Cm <sup>2</sup>	0,28
5	Drawing up of large natural habitats (contours) isoclinals without generalisation and unification from maps which is similar to being drawn up original	Cm <sup>2</sup>	0,2

**Г. Drawing up of separate conventional signs (of equal scale, deferent scale), writing of names on drawing up originals**

1	2	3	4
1	Drawing up of the sign of deferent scale on number date with calculation of area and putting on a map	Sign or word	14
2	Drawing up of the sign of deferent scale according to calculated date and putting on a map	Sign or word	8
3	Drawing up and putting on a map of conventional of equal scale	Sign or word	6
4	Drawing up of signs in the legend of map	Sign or word	32
5	Writing of names and texts of legend on drawing originals and	Sign or word	14
6	Writing out of geographical and other names in type-setting with making-out on point and type of print	Sign or word	0,8

**Note:** Drawing up on photocopies with fastening with Indian ink (for making of separate original) is paid 30 – 50 % of price of drawing (mounting) of publishing house original.

Minimum rate of remuneration for drawing up of base and special on badly reading photocopies with selection and generalisation is increased by 30%.

Minimum rate of remuneration for drawing up on foreign is increased by 25%.

Coping of content of map on paper with the next correction with pencil is paid 40 – 60% price of drawing of suitable difficulty.

**D. Mounting of maps. Drawing of base**

1.	Detail plans of towns	Cm <sup>2</sup>	1,6
2.	Settlements (plans of towns)	Cm <sup>2</sup>	1,2
3.	Base with coast line and river network of middle difficulty, with road network and large quantity of borders	Cm <sup>2</sup>	0,8
4.	Base with coast line and river network of middle difficulty in the presence of border	Cm <sup>2</sup>	0,6
5.	Base with some quantity of its elements or in the absence of some of them	Cm <sup>2</sup>	0,4
6.	Schemes and cartograms	Cm <sup>2</sup>	0,32

### E. Drawing of relief in contour lines

1	2	3	4
1.	Difficult mountain relief	Cm <sup>2</sup>	0,8
2.	Hill relief, difficult isobaths (lines of equal depths)	Cm <sup>2</sup>	0,6
3.	Plain relief, simple isobaths	Cm <sup>2</sup>	0,4

### F. Drawing of stroke relief, relief shading in contour lines: ordinary shading, continuous shading, color shading, drawing of sands and brown color areas, stylized drawing of forest and plant objects of geographical environment

Payment according to this paragraph is realized only for area occupied with the following objects:

1.	Picturing of difficult relief of mountain countries with strokes	Cm <sup>2</sup>	2
2.	Picturing of relief of middle difficulty with strokes	Cm <sup>2</sup>	3,2
3.	Picturing of difficult relief	Cm <sup>2</sup>	3
4.	Picturing of simple mountain or hill relief with strokes	Cm <sup>2</sup>	2,4
5.	Picturing of simple relief with strokes	Cm <sup>2</sup>	1,2
6.	Ordinary difficult mountain relief shading	Cm <sup>2</sup>	1,6
7.	Ordinary middle difficulty relief shading	Cm <sup>2</sup>	1,4
8.	Ordinary simple relief shading	Cm <sup>2</sup>	0,8
9.	Continuous relief shading	Cm <sup>2</sup>	2,6
10.	Color relief shading	Cm <sup>2</sup>	4
11.	Sands (plane, hilly, etc. picturing with points)	Cm <sup>2</sup>	1,6
12.	Picturing of forest and other objects of geographical environment with stylized signs	Cm <sup>2</sup>	1,2
13.	Brown color area of rich saturation	Cm <sup>2</sup>	2,4
14.	Brown color area of middle saturation	Cm <sup>2</sup>	1,6
15.	Brown color area of thin saturation	Cm <sup>2</sup>	1,2

### G. Drawing of special load

1	2	3	4
1	Difficult small natural habitats, thick isoclines with many different stroking	Cm <sup>2</sup>	1,6
2	Natural habitats or isoclines with different stroking or with small number of stroking in small		

	natural habitats	Cm <sup>2</sup>	1
3	Large natural habitats and thick isoclines (roads, roots, etc.) with small number of stroking	Cm <sup>2</sup>	0,4
4	Separate large natural habitats or isoclines (roads, roots, etc.) with small number of stroking	Cm <sup>2</sup>	0,4

#### H. Drawing of separate conventional signs

1	Difficult drawing of different size	Sign	2
2	Difficult drawing of the same size	Sign	1,6
3	Geometrical figures of different size	Sign	1
4	Geometrical figures of the same size	Sign	0,4
5	Legend of map	Sign	6
6	Making of new drawings of conventional signs	Sign	1

#### I. Writing of cartographical type on maps

1	Italic up to 2.5 mm of height	Sign	0,6
2	Egypt capital grotesque up to 2 mm of height	Sign	0,8
3	Types of difficult tracing or more than 2.5 mm	Sign	1,2

**Notes:** Capillary types of paragraphs «а» и «б» are paid by 25% lower.

Cartographical type of Latin alphabet are paid by 25% lower.

Legends on maps with oriental types are paid according to Part II, Section Г, paragraph 2.

#### J. Coloring of maps

1	2	3	4
1	Hypsometric, political and administrative, geological and ground maps with many number of small contours and 8 and more stages of change of color	Sign	1,6
2	Hypsometric, geological and ground maps with larger contours, administrative and historical ones with small point, with 8 and less stages of change of color	Sign	1,2
3	Political and administrative, and historical maps of large scale	Sign	1
4	Coloring of large area (territories and areas of water with small number of stages of change of color)	Cm <sup>2</sup>	0,4

#### K. Producing of sketches of artistic and graphical mounting of maps

1	Difficult	Cm <sup>2</sup>	2,4
2	Middle difficulty	Cm <sup>2</sup>	1,2
3	Simple	Cm <sup>2</sup>	0,8

### L. Models of dismemberment of colors

1	Dismemberment of stroke elements of map (model of retouch)	Cm <sup>2</sup>	0,2
2	Dismemberment of hypsometric stages of coloration	Cm <sup>2</sup>	0,4
3	Producing of model of background color paint	Cm <sup>2</sup>	0,2
4	graphic of tone mounting of map (apportionment of percentage of content of color on the scale of color inclusion in color background of mounting of maps):		
	15 - 20 color changes	Scale of map	8
	14 - 10 color changes	Scale of map	4
	9 - 5 color changes	Scale of map	2,2
	less 5 color changes	Scale of map	1

**M. Color separation of many-colored maps by method of masking on pellicle with demountable stratum, on photographic paper and tracing paper**

1	2	3	4
1	Producing of masks for maps with coast line or natural habitats of middle difficulty	Cm <sup>2</sup>	0,08
2	With not difficult coast line or natural habitats	Cm <sup>2</sup>	0,04
3	With coast line or natural habitats	Cm <sup>2</sup>	0,04

**N. Producing of author's sketches of special load of historical, grounds, geological, etc. maps**

1	Especially difficult new editions compiled on odd sources, publications in foreign languages, archives materials (on turn)	Cm <sup>2</sup>	20
2	The same – on generalized (summery) materials of special investigations and working out of the subject	Cm <sup>2</sup>	14
3	Difficult ones – on generalized literary sources and odd cartographical materials	Cm <sup>2</sup>	12
4	Middle difficulty ones – mainly on cartographical materials with got more specific fact date	Cm <sup>2</sup>	4
5	Simple ones – on base of remaking of maps published by other publishing houses	Cm <sup>2</sup>	2

**Note:** Producing of original on photocopy (contact) is paid on 60% from price of producing of publishing houses original.

**III. TECHNICAL PHOTOGRAPHY**

1.	Photograph of works of fine art (painting, graphic) and printing editions		
	a) in laboratory or with handing of originals	Negative, color photo, slide	2 14,4
	б) outside photograph	Negative, color photo, slide	5,4 21,6
2.	Reproducing photograph with handing of originals		
	a) control small format one (on film) for covers of drawings again	Original	0,36

1	2	3	4
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	б) for polygraphical using, for retouch imprints and etc. from black & white and color originals	Original	0,9
3.	Black & white photo-printing		
	a) printing for polygraphical reproduction, panorama one, for covering and drawings again, lantern-slide and duplicate negatives	Imprint	0,36
	б) combined printing from two and more negatives, compound one, in that number printing of geographical maps	Imprint	1,44
4.	Color photo-printing		
	a) scale printing with framing and panorama one	Imprint	7,2
	б) compound printing	Imprint	21,6
	в) producing of slides from negative with change of size and without one	Slide	3,6

**Note:** Payment for ordered photograph takes is realized on 25% from rate for slide.

Printing from color negatives is paid by 15 - 30% over.

When producing color original by difficult positive or negative method, as well as printing from slide on color reversible paper, minimum rates are increased by 50%.

#### **IV. Retouch-photo for reproduction in printing (relief printing, intaglio one, lithography one)**

1.	Techniques (separate details, instruments, devises, machine-tools, machines): tone and stroke imprints	Plot	1,44
2.	Artistic casts (metal, plastic, ceramics, glass): fragment, separate objects, composition		
		Plot	1,8
3.	Interior of industrial promises: tone and stroke imprints	Plot	2,8
4.	Articles of light industry (separate objects – cloths and footwear; domestic technique; stands and shop window); tone and stroke imprints		
		Plot	2,8



1	2	3	4
5.	Zoology and botanic:		
	a) animals and birds (groups and separate ones)	Plot	3,6
	б) plants:		
	of simple structure	Plot	1,8
	of difficult structure, with making out of detail of structure	Plot	5,4
6.	Landscapes		
	simple and difficult ones in that number with animals and men	Plot	1,8
7.	Man's figures		
	a) single one	Plot	1,8
	б) group ones	Plot	5,4
8.	Portraits		
	a) single one	Plot	7,2
	б) group ones	Plot	14,4
9.	Events reporting, photos of sport competitions and shows		
	a) simple	Plot	3,6
	б) combined, in that number reproductions from archives materials	Plot	5,4
10.	Construction and architecture: buildings, details of buildings, interiors and details of inside equipment of premises, historical monuments of architecture, architectural ensembles, general view of towns, construction and industrial view, tone and stroke imprints		
		Plot	1,8
11.	Photographs from models	Plot	1,8
12.	Artistic works (sculpture, painting, graphic, still life) anatomy and biology, tone and stroke imprints		
		Plot	3,6
13.	Micro-photo, air-photo, röntgenoscopy:		
	a) not large format with small lode (tone and stroke imprints)	Plot	1,8
	б) difficult with large lode – tone and stroke imprints	Plot	9
14.	Texts of historical documents, autographs, covers, book covers, visual aids and stroke table:		
	a) simple ones		
	б) difficult ones	Plot	7,2
	в) especially difficult ones and main ones	Plot	14,4
		Plot	21,6
15.	Retouch other photos	Plot	1,8
16.	Color retouch of color slides and photos for reproduction in a poligraphical printing:		
	a) machines, zoological and botanic slides, landscapes, portraits (simple), architecture,		

interiors, historical monuments, sculpture, painting, the museum exhibit, anatomy and biology:		
	retouch with using of dye-stuff	Slide,photo 9
	retouch with chemical treatment	Slide, photo 16,2
б) especially main and group portraits; slides, photo of meetings, conferences, mass scenes; event reporting, sport, theatrical scenes, town street plots		
	retouch with using of dye-stuff	
	retouch with chemical treatment	Slide,photo 18
		Slide, photo 25,2
	в) graphic	Slide,photo 7,2
17.	Coloring of photo:	
	а) coloring of photo of color reproductions without chemical treatment of tone intensifying	
	б) coloring of photo with using of chemical treatment of tone intensifying with change of color	Slide,photo 10,8
		Slide,photo 18

**Note:** For retouch of photo of large formats (measuring over 30x40), as well as for covering of cross-line screen, dispose of large grain, haze, making of background equal, additional drawing of details, gluing together panoramas with adjustment of toning the rate is increased by 30%.

For retouch of photo with chemical treatment rate is increased by 15%.

For pickling of background the rate is increased by 30%. Prices provided by Part II except Section "II. Cartographical Works" and Subsections A and B of Section "I. Technical Illustrations", are increased by 50% for making of especially difficult works.

**NOTE:** The example of calculation of minimum amounts of author's remunerations according to the indexation of minimum rate of wage:

in 2000 the minimum rate of wage was two somoni and the minimum amount of author's remuneration for Belles-lettres was 50000 Tajik rubles = 50 somoni according to paragraph 1 of the Enclosure №1 For the Decree of the Government of the Republic of Tajikistan of July 1, 1999 № 251;

now, after the indexation the minimum rate of wage will be seven somoni from January 1, 2004 and the coefficient of indexation is  $7 \text{ somoni} / 2 \text{ somoni} = 3.5$ ;

then the indexed minimum amount of author's remuneration for Belles-lettres will be:  $50 \text{ somoni} * 3.5 = 175 \text{ somoni}$ .

ITEM 3.  
**CODE CRIMINAL AND LEGAL CODE.**

**Article 63.**

An official implementing inquiry, investigator, procurator and court dealing with the proceeding of cases have the rights to summon according to the order provided by this Code any person for interrogation or drawing a conclusion as an expert, to execute investigation actions provided by this Code, to demand presentation of articles and documents which may establish necessary factual data, executing of inspections from enterprises, offices, organizations, officers and citizens.

A victim may be interrogated about any circumstances concerning with the case about interrelations with a person called to account as well as on the occasion of the evidence on the case.

Evidences may be presented by a suspect, a person called to account, a counsel for the defense, a procurator, as well as by a victim, a civil plaintiff, civil defendant and their representatives and any citizens, enterprises, institutions (in wording of the Decree of the Presidium of the Supreme Soviet of the Tajik SSR of August 25, 1983.).

All evidences collected on the case are to be subject to detailed and objective verification from the party of officer dealing with the proceeding or consideration, investigator, procurator and court.

**CODE CIVIL AND LEGAL CODE**

Article 33.

Each party shall prove those circumstances on which it refers a reason of its demands and objections.

Evidences are presented by parties and other persons taking part in the case. If presented evidences, are insufficient the court offer to parties and other persons taking part in the case to present additional evidences or collects them on its own initiative.

Article 39.

Physical persons and legal entities having reasons to apprehend that presenting evidences necessary for them will be impossible may ask court or judge about ensuring of these evidences. The ensuring of these evidences is realized by interrogation of witness, executing of expert, examination in the place and other methods.

Before instituting of proceedings in the court in ensuring of evidences is realized by state notary's offices according to the order provided by the Law of Tajik SSR on State notary's offices (in wording of the Decree of the Presidium of the Supreme Soviet of the Tajik SSR of January 30, 1975).

Article 40.

Evidences which is necessary to ensure, circumstances being confirmed by these evidences reasons which made a declarant to address with application about the ensuring, the case for which it is necessary being ensured evidences as well as methods which shall be applied for ensuring of evidences must be indicated in the application about ensuring of evidences.

The application is handed in the court, in the district of activity of which legal actions on ensuring of evidences shall be executed.

Particular complaint on the rule about refusal in the taking of application may be presented.

Article 41.

The ensuring of evidences is carried out by judge before the beginning of considering the case or by court in the citing of the court according to the rules provided by this Code.

A declarant and other physical persons and legal entities taking part in the case are informed of time and place of the consideration of application about ensuring of evidences, however their default is not obstacle for the consideration of application.

Examination records and all materials collected for the ensuring of evidences are sent the Code considering the case.

Item 4.

**CODE CRIMINAL AND LEGAL CODE**

Article 77.

Exhibits are articles which are served as instruments of offence or which kept sings of offence or by objects of illegal actions as well as money and other values made in illegal way and all other articles which can serve as means for revealing of offences, establishing of factual circumstances of the case revealing of guilty person, refutation of incrimination or extenuating of the responsibility (in wording of the Decree of the Presidium of the Supreme Soviet of the Tajik SSR of August 25, 1983.).

Article 80. (points 1, 2)

In the sentence, or resolution about the stoppage of the preceding the question about exhibits must be solved in the following way:

- 1) the instruments belong to the person called to account are due to be confiscated and pass to appropriate institutions or destroyed;
- 2) articles banned for circulation are due to be passed to appropriate institutions or destroyed.

Item 5.

**ADMINISTRATIVE CODE**

Article 158<sup>2</sup>. Sale, renting and or other Illegal Using of Copies of Works or Phonograms in Commercial Aims.

Sale, renting and or other illegal using of copies of works or phonograms in commercial aims incases, if:

the copies of works or phonograms are counterfeit according to the legislation of the Republic of Tajikistan on copyright and related rights, or;

on the copies of works or phonograms it is indicated false information about their production and places of production as well as other information which can lead astray consumer, or;

the copyright notice or related rights notice marked by entity possessing copyright notice or related rights is destroyed or changed on the copies of works or phonograms;

- entail the imposition of the fine on the citizens in the rate from tenfold to twenty fold of the minimum monthly salary with confiscation of counterfeit copies of works or phonograms.

Item 6.

**CRIMINAL CODE OF THE REPUBLIC OF TAJIKISTAN**

Article 156.

1) Publishing under one's name of somebody else's scientific, literary, musical or belles-lettres works, as well as somebody else's computer programs or data base or other misappropriation of authorship on such work, misappropriation of authorship of invention, as well as compulsion to coauthorship,

– is punished by fine in the rate from two hundred to five hundred of the minimum rates of salary or reformatory labor for a period up to two years.

2) Illegal using of objects of copyright or related rights as well as illegal using of invention, utility model, industrial design, computer program or data base, divulging of essence of invention, utility model, industrial design before official publication of information about them without author's or declarant's assent, if these deeds caused large damage designedly or through carelessness

– is punished by fine in the rate from five hundred to one thousand of the minimum rates of salary or limitation of freedom for a period up to three years or imprisonment for a period up to two years.

3) The deeds provided by part one or part two of this Article implemented by group in preliminary agreement

– are punished by fine in the rate from one thousand to one thousand and five hundred of the minimum rates of salary or imprisonment for a period from two to five years.

#### Article 294.

1) Cheating in measuring, cheating in weighing, cheating in counting, leading astray about consumer characteristics of quality of goods (services) or other deception of consumers in enterprises independently of forms of property carrying out of sale of goods or rendering of services to population, as well as implemented by citizens in considerable rate,

– are punished by fine in the rate up to three hundred of the minimum rates of salary or reformatory labor for a period up to two years.

2) The same deeds implemented:

a) by the group of person in preliminary agreement,

b) on a large rate,

c) as well as by person who had a criminal record for deceive of consumers,

– are punished by imprisonment for a period up to two years with deprivation of rights to take up certain positions or to be occupied with certain activity up to three years.

3) The deeds provided by part one or two of this Article implemented:

a) by organized group,

b) on an especially large rate,

– are punished by imprisonment for a period from two to five years with deprivation of rights to take up certain positions or to be occupied with certain activity for the period up to five years.

**Note:** a deceive of customers in considerable rate is a deceive which does damage to consumers in sum more than one tenth of minimum rate of wage, on large rate – in sum more than one and a half of minimum rate of wage.

#### Item 7.

#### **ADMINISTRATIVE CODE**

Article 158<sup>2</sup>. Sale, renting and or other Illegal Using of Copies of Works or Phonograms in Commercial Aims.

Sale, renting and or other illegal using of copies of works or phonograms in commercial aims incases, if:

the copies of works or phonograms are counterfeit according to the legislation of the Republic of Tajikistan on copyright and related rights, or;

on the copies of works or phonograms it is indicated false information about their production and places of production as well as other information which can lead astray consumer, or;

the copyright notice or related rights notice marked by entity possessing copyright notice or related rights is destroyed or changed on the copies of works or phonograms;

- entail the imposition of the fine on the citizens in the rate from tenfold to twenty fold of the minimum monthly salary with confiscation of counterfeit copies of works or phonograms.

Article 164<sup>1</sup>. Evasion from the presenting of declaration about incomes

Evasion from the presenting of declaration about incomes from domestic industry, other individual labor activity or other incomes imposed income-tax and in other cases when the presenting of declaration provided by legislation or non presenting of the declaration in fix time or including in it deliberately note authentic information,

– entails warning or imposition of the fine in the rate from fifty to hundred rouble.

Article 165<sup>1</sup>. Concealment (understating) of profit (income) or concealment of other objects of taxation.

Concealment (understating) of profit (income) or concealment of other objects of taxation as well as absent of book-keeping calculation or taking of it against the fixed order and distorting of book-keeping

accounts non presenting, in fixed time or presenting book-keeping accounts, balance-sheets, book-keeping calculation and other documents connected with calculation and payment of taxes and other payments in budget implemented by officers,

- entails imposition of the fine in the rate from hundred to two hundred roubles, the same actions implemented repeatedly within a year,
- entails imposition of the fine in the rate from two hundred to three hundred roubles.

## **CUSTOMS CODE OF THE REPUBLIC OF TAJIKISTAN**

Article 275. Removal of goods across the Customs border of the Republic of Tajikistan as goods not destined for non-commercial purposes

The removal of goods across the Customs border of the Republic of Tajikistan by the natural person as goods not destined for non-commercial purposes but designed in fact for the industrial or other commercial activity except cases provided by Article 282 of the present Code at the absence of the crime signs, entails the imposition of a fine from one hundred to two hundred percent of the cost of goods being direct objects of violation.

Article 276. Removal of goods and means of transport across the customs border of the Republic of Tajikistan without customs control

The removal of goods and means of transport across the customs border of the Republic of Tajikistan without customs control that is outside places determined by the customs agencies of the Republic of Tajikistan and out of fixed time of the implementation of customs registration, at the absence of signs of smuggling, entails the imposition of a fine from one hundred to three hundred percent of the cost of goods and means of transport being direct objects of the breaking of the law with the confiscation of these articles or the recovery of their cost or the confiscation of goods and means of transport being direct objects of the breaking of the law with the confiscation of means of transport which such goods were transferred in or the recovery of the cost of goods and means of transport being direct objects of the breaking of the law with the confiscation of means of transport which such goods were transferred in.

Article 277. Concealment of goods transferred across the customs border of the Republic of Tajikistan from the customs control cost

The Concealment of goods transferred across the customs border of the Republic of Tajikistan from the customs control that is the use of hiding-places and other means hampering the direction of goods or giving to one goods the appearance of the others, without signs of smuggling, entails the imposition of a fine from one hundred to three hundred percent of the cost of goods which are direct objects of the breaking of the law, with the confiscation of these goods as well as goods and means of transport with the specially made hiding-places used for the transference across the customs border of the Republic of Tajikistan with the concealment of goods which are direct objects of the breaking of the law, or with the recovery of the cost of goods and means of transport which are direct objects of the breaking of the law as well as goods and means of transport with the specially made hiding-places used for the removal across the customs border of the Republic of Tajikistan with the concealment of articles which are direct objects of the breaking of the law.

Article 278. Removal of goods and means of transport across the customs border of the Republic of Tajikistan with the fraudulent use of document and means of identification

The Removal of goods and means of transport across the customs border of the Republic of Tajikistan with the handing to the customs agency of the Republic of Tajikistan as documents necessary for the customs purposes, the forged, invalid documents or those got illegally or containing the inauthentic data or referred to other goods and means of transport as well as the use of false means of identification or authentic means of identification referred to other goods

and means transport except cases provided by articles 279 and 282 of the present Code, entails the imposition of a fine from one hundred to three hundred percent of the cost of goods and means of transport being direct objects of the breaking of the law, with their confiscation or recovery of the cost of these goods and means of transport.

Article 279. Non-declaring or inauthentic declaring of goods and means of transport

The non-declaring or not authentic declaring of goods and means of transport transferred across the customs border of the Republic of Tajikistan that is not stating the authentic data in the fixed written, verbal or other form or the presentation or not authentic information in respect of goods and means of transport, their customs regulations and other information necessary for the customs purposes except cases provided by Article 258, 262, 263, 274, 275, 276, 278 and 282 of the present Code in the absence of the smuggling signs, entails the imposition of a fine from one hundred to two hundred percent of the cost of goods and means of transport being direct objects of the breaking of the law with the recovery of the cost of such goods and means of transport or without it or with the revocation of the licence or qualification certificate or without their revocation.

The declaration of the not authentic information which do not influence on the taking by the customs agency of the Republic of Tajikistan of the decision on the transference of goods and means of transport across the customs border of the Republic of Tajikistan, their placement under the inquired customs regulations, rate of customs duties entails the imposition of a fine up to threefold over of the minimum monthly salary fixed by the law.

Article 365. Resolution of the customs agency of the Republic of Tajikistan on the case concerning violation of the customs

Having considered the case concerning violation of the customs rules the official of the customs agency of the Republic of Tajikistan shall pass one of the following resolutions regarding:

- 1) the imposition of a penalty;
- 2) the stoppage of the proceeding;
- 3) bringing of a criminal action of smuggling or other crimes the prosecution of inquiry on is within the competence of the customs agencies of the Republic of Tajikistan;
- 4) sending the materials to the other law-enforcement bodies of the Republic of Tajikistan to settle the questions concerning the bringing of a criminal action of smuggling or other crimes the prosecution of inquiry on which is within the competence of the customs agency of the Republic of Tajikistan.

Approved by the Decision of  
the Council of Heads of Governments  
of the Commonwealth of Independent States  
on a Joint Working Commission  
of the Member-States of the Agreement on Cooperation  
in Suppression of Violations of the Law  
in the Area of Intellectual Property

of June 20, 2000

**REGULATION**  
**on a Joint Working Commission of the Member-States**  
**of the Agreement on Cooperation**  
**in Suppression of Violations of the Law**  
**in the Area of Intellectual Property**

**1. General**

- 1.1 A Joint Working Commission of the Member-States of the Agreement on Cooperation in Suppression of Violations of the Law in the Area of Intellectual Property (hereinafter the Commission) shall be set up consistent with Article 7 of the Agreement on Cooperation in Suppression of Violations of the Law in the Area of Intellectual Property of March 6, 1998 to take effective measures to prevent and suppress violations of the law in the area and to coordinate actions of the Member-States of the Agreement.
- 1.2 The Commission shall be a permanent advisory and deliberative body of the Member-States of the Agreement on Cooperation in Suppression of Violations of the Law in the Area of Intellectual Property.
- 1.3 The activities of the Commission shall be guided by the Agreement on Cooperation in Suppression of Violations of the Law in the Area of Intellectual Property of March 6, 1998 (hereinafter the Agreement), by the Agreement on Measures Preventing and Suppressing the Use of False Trade Marks and Geographical Indications of June 4, 1999, and by other international agreements in the area of intellectual property protection, as well as by this Regulation.
- 1.4 The Commission shall interact with the CIS Executive Committee, the International Council on Industrial Property Protection, the CIS Council of Interior Ministers, the CIS Council of Heads of Customs Services, the International Council on Antimonopoly Policies, and other bodies.

**2. Tasks of the Commission**

The main task of the Commission is to prepare proposals and recommendations on the improvement of the normative and legal framework and practices of intellectual property

protection of the Member-States of the Agreement in the following directions:



- a) harmonization of the national legislation in the area of intellectual property protection, given the current international agreements in the sphere;
- b) the exchange of information on prevention and suppression of violations of the law in the area of intellectual property;
- c) the creation of the common database on prevention and suppression of violations of the law in the area of intellectual property;
- d) the exchange of the work experience on prevention, identification, suppression, and solution of violations of the law in the area of intellectual property;
- e) the exchange of the present normative and legal acts, and training, methodological, and special literature;
- f) the arrangement of joint scientific research, workshops, and conferences;
- g) the facilitation in the preparation and staff professional improvement;
- h) the facilitation in the setting up of multilateral registration systems of geographical indications and notices on their protection to the Member-States of the Agreement.

### **3. Functions of the Commission**

To implement the tasks set forth, the Commission shall:

- a) develop proposals and recommendations to implement complex activities aimed at the enforcement of the national legislation in the area of protection of intellectual property rights;
- b) summarize the international experience in the area of protection of intellectual property rights and prepare the relevant recommendations;
- c) develop proposals on joint actions to raise awareness of specialists, scientific workers, inventors, and entrepreneurs in the area of protection of intellectual property rights, as well as in the area of copyrights and related rights;
- d) facilitate the Member-States of the Agreement in the exchange of legislative, methodological, and other information in the area of protection of intellectual property rights;
- e) assist the Member-States of the Agreement in the preparation of national legislative acts and other documents in the area of intellectual property protection, and upon requests prepare expert opinions on them;
- f) submit the work performance reports to the Member-States of the Agreement;
- g) perform other functions relating to the Agreement implementation.

### **4. Rights of the Commission**

To implement the functions set forth, the Commission shall be entitled to:

- a) set up working groups on the Commission activities;
- b) develop proposals and recommendations on harmonization of the national legislation in the area of intellectual property protection, given the current international agreements in the sphere;
- c) prepare proposals on financing of works relating to the implementation of the Commission functions;
- h) hear the reports of the Commission Chairman and prepare the relevant proposals for the Member-States of the Agreement;
- d) have specialists and entities of the Member-States of the Agreement as consultants involved in the carrying out of the works relating to the implementation of the Commission's functions;
- e) prepare and submit recommendations on the issues under the Commission competence for consideration of the Governments of the Member-States of the Agreement following the established procedure.

## **5. Administration of the Commission**

5.1 The Commission shall be formed from authorized representatives of the Member-States of the Agreement, one from each State.

Each Member-State of the Agreement shall have one vote in the Commission.

5.2 The Commission is headed by a Chairman. The Chairman and his/her deputies are elected from the Commission members authorized by the Member-States of the Agreement.

The Chairman's term shall be one year. The Chairman represents the Commission within the Commission authorities specified by this Regulation.

5.3 Sessions of the Commission shall be conducted, as a rule, not less than once in six months.

5.4 A session of the Commission shall be eligible if not less than two thirds of authorized representatives of the Member-States of the Agreement are in attendance.

5.5 Decisions of the Commission shall be adopted by a mere majority of votes of the Commission members being in attendance provided that the Member-States of the Agreement concerned agree with this decision.

5.6 The first organizational session of the Commission shall be convened not later than three months from the day when the Agreement becomes effective.

5.7 Financing of the Commission's activities shall be provided at the expense of appropriation for maintenance of the Executive Committee of the Commonwealth of Independent States.

5.8 Logistics of the Commission's sessions shall be provided by a Member-State of the Agreement in which territory a session is held.

5.9 The Commission shall develop and approve the agenda of its work.