

**UNESCO**  
**WORLD ANTI PIRACY OBSERVATORY**

**REPUBLIC OF UZBEKISTAN**

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## I. Legislation

### 1. Copyright laws

The main copyright legislation in the Republic of Uzbekistan is:

- The Constitution of the Republic of Uzbekistan (1992)
- The [Law on Copyrights and Neighboring Rights \(2006\)](#) (in Russian)
- [The Law on Legal Protection of Software for Personal Computers and Database \(1994\)](#)<sup>1</sup>
- The Civic Code (1997) with its most recent amendments in 2007 (Section IV – “Intellectual Property”)

### 2. Other laws

The other laws having an impact on the protection of copyright in the Republic of Uzbekistan are:

- The Taxation Code (1996), amendments in 2007
- The Custom Code (1996), amendments in 2007
- The Criminal Code (1996), amendments in 2007
- The Code on Administrative Responsibility (1996), amendments in 2007
- The Law on Advertisement (1998, amendments in 2002)
- The Law on Mass Media (1997), amendments in 2007

### 3. Latest developments and perspectives

Since the adoption of the Law on Copyrights and Neighboring Rights (2006), there were planned amendments to all related legal acts of the Republic of Uzbekistan.

The following amendments are currently under consideration by the Ministry of Justice of the Republic of Uzbekistan, Legislative Chamber of the Oliy Majlis (Lower House of the National Parliament of Uzbekistan) and Senate of the Oliy Majlis (Upper House of the National Parliament of Uzbekistan):

- amendments to the Code on Administrative Responsibility (introduction of special chapter);
- amendments to the Custom Code (introduction of section on intellectual property);
- amendments to the Criminal Code with the purpose of providing legal protection of copyright and neighboring rights
- amendments to the Law on Legal Protection of Software for Personal Computers and Database

### 4. Summary of legislation

The Law on “Copyrights and Neighboring Rights” (hereinafter as Law), consists of 6 Chapters and 70 articles. The structure of the Law is the following: Chapter I – General provisions

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<sup>1</sup> Source : WIPO

(definitions; 3 articles); Chapter II – Copyrights of authors (exclusive rights of authors; 40 articles), Chapter III – Neighboring rights (owners of neighboring rights; 13 articles), Chapter IV – Collective management of property rights (institutional management; 5 articles), Chapter V – Protection of copyrights and neighboring rights (responsibility, measures and remedies; 6 articles), Chapter VI – Concluding provisions (arbitrage, amendments, entry into the force; 3 articles).

- *Exclusive rights of the authors and of the owners of neighbouring rights*

#### Exclusive Rights of the authors

Article 5 of the Law identifies the objects of the copyrights of authors (copyrights covering creative achievements in science, literature and arts; copyrights covering published, as well as unpublished, items in many forms: printing, oral, audio, video, images, etc.; copyrights are focused on the form of expressions but not on ideas, principles, methods, processes, systems, modalities or concepts).

Article 10 of the Law indicates the origination of copyrights and presumption of authors.

Article 18 of the Law provides provisions of personal, non-property-based rights of authors (for example, rights of recognition, rights for use and authorization of use under a specific name, rights for public announcement, rights for protection, etc.; all changes in title or name or illustration or comments should be made only in agreement with the author).

Article 19 of the Law focuses on personal property-based rights of authors (items could be used only in agreement with authors or legal representatives; exclusive rights of authors for playback; rights for dissemination or rental of original, rights for public broadcasting, rights for translation).

Article 24 of the Law stipulates the limitations of copyrights (limitation without any damage to authors of items).

#### Exclusive right of the owners of neighbouring rights

Article 47 of the Law describes the neighboring rights (all modalities of exclusive neighboring rights).

Articles 48-53 of the Law provide procedures for transferring neighboring rights.

- *Exceptions and limitations to copyright*

Article 24 of the Law stipulates the limitations of copyrights (limitation without any damage to authors of items).

Articles 25-33 of the Law covering issues concerning free use of items with reference to the name of authors (for example, activities of libraries for temporary use of items within premises of library, etc.), on free use of items located in public space (i items used for non-profit activities), and the free public demonstration of items (official and religious ceremonies, folk public events).

- *Protection of foreign works*

Article 4 of the Law provides for the protection of foreign works (covering local citizens, as well as foreign citizens, based on relation to the state vis-à-vis international treaties and interstate agreements; place of production of items).

Note: Uzbekistan ratified the Berne Convention with the temporary precondition that copyright law for foreign works will be applied after 2005.

- *Period of copyright protection*

Article 35 of the Law indicates the period of copyright protection (duration of life of authors and 50 years after the death of the last co-author, except in some special cases; rights concerning name of authors and reputation of authors are unlimited).

Article 54 of the Law identifies the period of neighboring rights (50 years after the first performance or first phonograms or first transfer to mass media).

- *Registration*

Article 10 of the Law stipulates that mandatory registration is not needed to gain protection.

## **5. International Conventions and Treaties**

Uzbekistan is a member of the following International Conventions on Copyright and related Rights:

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- [Paris Convention on Protection of Industrial Property](#)

There are bilateral agreements between Uzbekistan and other countries concerning the mutual protection of copyrights. Uzbekistan is also a member of regional agreements on mutual protection of copyrights within CIS (Commonwealth of Independent Countries) countries (1993).

## **II. Measures and Remedies**

### **1. Copyright infringement**

Article 62 of the Law on contains definitions of copyright infringement.

Articles 19 and 47 of the Law contain provisions on property-based copyrights and neighboring rights with regard to the Internet.

Article 64 of the Law contains specifies copyright infringement concerning the Internet (as cable or wireless information and communication network).

### **2. Remedies to protect copyright holders**

Article 65 of the Law provides information on different types of remedies to protect copyright holders, including moral remedies, monetary fines and others.

### **3. Provisional measures**

Provisional measures are provided for in the provisions of the Civil Code of Practice and Criminal Code of Practice.

### **4. Penalties for copyright infringement**

Article 66 of the Law provides information on court penalties, such as confiscation and devices used in the manufacturing of infringing copies, destruction of all infringing copies, and compensation of adequate damages.

Article 149 of the Criminal Code provides various forms of court penalties for copyright infringement: monetary fines (amount in local currency from 25 to 75 times of minimal working salary) or five years of invalidation of rights for particular field of activities or three years of correction activities or six months of imprisonment.

Article 155 of the Code on Administrative Responsibility identifies various administrative penalties for illegal access and use of information without permission of authors.

### **5. Requirements for foreign persons**

According to Article 4 of the Law on, foreign persons (both natural and legal) have the same rights as local citizens.

### **III. Enforcement**

#### **1. Enforcement authorities**

##### **a) Authorities responsible for enforcing the copyright law**

The authorities responsible for enforcing copyright law are:

- The State Taxation Committee of Uzbekistan
- The Ministry of Internal Affairs of Uzbekistan
- The General Attorney of Uzbekistan
- The State Anti-Monopoly Committee of Uzbekistan

##### **b) Enforcement bodies entitled to act ex-officio in copyright infringement cases**

The enforcement bodies entitled to act ex-officio in copyright infringement cases are:

- The State Copyright Agency of Uzbekistan
- The State Patent Agency of Uzbekistan
- The Printing and Information Agency of Uzbekistan
- The Communication and Information Agency of Uzbekistan
- The Regional municipalities (Supreme Council of Karakalpakstan, Tashkent city municipality, 12 regional municipalities)
- The “Uzbekkino” National Agency
- The “Uzbeknavo” Estrada Association

##### **c) Courts dealing with copyright cases**

The courts dealing with copyright cases are:

- The Civil Courts (at all levels: district, town, region, state)
- The Criminal Courts (at all levels: district, town, region, state)
- The Economical Courts (at all levels: district, town, region, state)

#### **2. Enforcement at the border**

State Custom Committee is the competent authority responsible for administering applications for copyright infringements at borders.

According to the Custom Code (Article 9), the State Custom Committee applies procedural security assurance to protect defendants and prevent abuse. The Custom Code provides for a *de minimis* import exception (such as the import for personal use of a non-commercial quantity and new items acquired for personal use).

## **IV. Public Awareness**

### **1. Awareness campaigns and actions**

For organization of public awareness campaigns against piracy and counterfeit, the mass media institutions regularly publish articles or broadcast TV/radio programs on various issues related to copyright cases.

The State Copyright Agency organizes annual non-formal training courses on "Copyright Law" in every regional municipality.

Special formal training courses in various higher educational institutions of Uzbekistan are organized (University of World Economy and Diplomacy in Tashkent, Bekhzod National Institute of Arts and Design in Tashkent and others).

### **2. Promotion of legal exploitation**

Information not available

### **3. Associations and organizations with awareness-raising purpose**

Information not available

### **4. Best practices**

Information not available

## **V. Capacity-building**

### **1. Training**

The State Copyright Agency is organizing annually special capacity building training courses on copyright law for representatives of local municipalities (in every 14 administrative units of Uzbekistan) and experts from local branches of central enforcement organizations. Immediate outcomes of the trainings are: the increase in the efficiency and effectiveness of practical grass root implementation of the Law.

### **2. Establishment of specialized units and intersectoral group**

The Uzbek Republican Agency for Copyright was transformed by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On reorganization of the Uzbek branch of the All-Union Copyright Agency into the Uzbek Republican Agency for Copyright " of January, 30, 1992 № 38.

The main tasks of the Uzbek Republican Agency for Copyright are:

- maintenance of realization of a uniform state policy in the field of protection of copyright and related rights;
- realization and protection of economic rights of authors, their successors and other owners of copyright and related rights on the basis of concluded contracts, taking of necessary measures on prevention of infringement of violated rights of owners of copyright and related rights, as well as of restoration of these rights;

- realization of registration of scientific, literary and artistic works, as well as of the authors of these works; keeping record of the legal entities and natural persons using objects of copyright and related rights on the territory of the Republic of Uzbekistan;
- representation, when due hereunder, of the rights and legitimate interests of authors, their successors and other owners of copyright and related rights, including abroad;
- development of the international cooperation in the sphere of protection of copyright and adjacent rights.

### **3. Best practices**

Information not available.

## **VI. Other**

### **1. TPM / DRM**

Article 63 of the Law identifies the technical measures for protection of copyrights and neighboring rights. It is prohibited to use technical devices for utilization, reproduction, advertising, or lending of items with commercial purpose without permission of authors.

### **2. Licensing schemes**

Information not available.

### **3. Optical discs**

Information not available.

### **4. Hotlines**

Information not available.

### **5. Contact details**

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