[RU] Statute on Copyright and Neighbouring Rights Amended

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On 25 June 2004 the State Duma (parliament) of the Russian Federation enacted the Federal Statute amending the Statute of the Russian Federation On Copyright and Neighbouring Rights of 9 July 1993. On 20 July 2004 the President of the Russian Federation signed the statute into law, which entered into force on 8 August 2004 except for several provisions that will enter into force on 1 September 2006.

The Statute excludes that the subjects (constituent entities) of the Russian Federation may legislate on copyright and neighbouring rights. Only the federal legislature shall be authorized to enact laws concerning the given subject. This provision was introduced in the law in order that the statute complies with the 1993 Constitution of the Russian Federation. According to Article 71 of the Constitution regulation of civil law and intellectual property law shall fall within the competence of federal authorities.

The Statute extends the term of copyright protection of authors, co-authors, and also of those authors who died before their works were published, from 50 to 70 years after the author's death. These provisions shall be applicable both to works created after the Statute enters into force and to those works, whose 50-years term of protection had not expired until 1 January 1993. It means that the scope of works protected by law has increased considerably.

Another important innovation of the Statute is the strengthening of the protection of authors' rights. In case of infringement, any rightsholder shall have the right to claim for compensation either in a fixed sum of money from RUR 10,000 to 5 million (approximately from EUR 300 to 140,000), or in a twofold amount of the cost of copies of works, or in a twofold amount of the cost of rights to use similar intellectual property. Copyright infringement shall be sufficient grounds to claim and recover compensation while the fact of causing damages shall not be taken in consideration.

A new article introduces legal protection for technical means enabling the protection of copyright and neighbouring rights. According to Article 48(1) it shall not be permitted to perform actions aimed at removing limitations for the use of artistic works, as well as objects of neighbouring rights that are imposed by

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technical means. It also shall be prohibited to manufacture, disseminate, rent, use, import, and advertise any equipment or its components if such actions cause either the impossibility of using technical means of protection of the above-mentioned rights or ineffectiveness of the use of such means.

The Statute stipulates that an author shall have exclusive right to make public, to grant permission or to forbid the publishing of his work in the way providing the possibility of interactive access of any person from any location to this publication (e.g., via Internet). Both performers in regard to their performances and producers in regard to their phonograms shall have the same exclusive rights. These provisions regulating what is called "Internet copyright and neighbouring rights" will enter into legal force on 1 September 2006.

Federal Statute "On amendments to the Statute of the Russian Federation on Copyright and Neighboring Rights", Official Journal of 28 July 2004

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