

Commonwealth of Independent States: Model Statute “On Copyright and Neighbouring Rights”

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The Model Statute “On copyright and neighbouring rights” for Member Nations of the Commonwealth of Independent States (CIS), an advisory legislative instrument, was adopted by the Interparliamentary Assembly of CIS Member States on 18 November 2005. It is a revised version of an earlier Recommended legal act of the same name of 2 November 1996.

It contains 46 articles. The Statute regulates relationships concerning the creation and use of works in the fields of science, literature and art (copyright) and of phonograms, performances, programmes of broadcasting or cable companies (neighbouring rights) (Article 1).

There is no need to register copyright (Article 9). The authors of audiovisual works are: the director, the author of the screenplay, the author of music specially created for use in the audiovisual work, with or without text (composer) (Article 13). The statute lists the moral and economic rights. The right of authorship, right of name and right of protection of the author’s reputation are inalienable and shall be protected with no fixed term (Articles 15, 23). The remainder of the rights can be transferred and have a limited term of protection. This term equals 70 years after the author’s death. In case of a work of co-authorship, the 70-year term is calculated from the death of the last surviving author (Article 23). The statute lists cases of fair use of works (Article 19).

After the expiry of the terms of protection of copyright the works are to be considered as being in the “public domain” The national legislation of the CIS countries may establish cases and procedures for special payments to the professional funds of the authors from use on the territory of the countries of works in public domain (Article 24).

Neighbouring rights expire 50 (or, alternatively, 70) years after the date of the first performance or staging of the work (for performers) or after the date of the first recording if the phonogram has never been published (for the producer of phonogram), or 50 years after the date of its first broadcast or transmission by cable (for broadcasting or cable company) (Article 38).

Independent copyright agencies are permissible on registration with the national government but the functioning of such agencies may be controlled by a

government body (Article 39).

***Модельный закон «Об авторском праве и смежных правах»,
Информационный бюллетень, 2006, No. 37***

<http://www.iacis.ru/html/?id=22&pag=589&nid=1>

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