Commonwealth of Independent States: Model Code on Intellectual Property

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The Commonwealth of Independent States (CIS) Interparliamentary Assembly which currently is comprised of delegations from the parliaments of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan and Ukraine enacted on 7 April 2010 *Модельный Кодекс интеллектуальной собственности для государств - участников СНГ* (Model Code on Intellectual Property for CIS Member-States). It consists of 13 chapters with total 107 articles.

In a way the new Model Code develops the notions and ideas of Part 4 of the Russian Federation's Civil Code of 18 December 2006 (see IRIS-Plus 2008-2). Although the Model Code does not explicitly say so it apparently replaces the Model Statute "On copyright and neighbouring rights" adopted by the Interparliamentary Assembly of CIS Member States on 18 November 2005 (see IRIS 2006-1: 0/102).

Art. 24 specifies some of the objects (subject matters) that shall be protected under authors' rights and neighbouring rights law. They are: works of science, literature and art; computer programmes, performances, audiovisual works, databases, photography works, text of translations (including subtitles and texts for dubbing in different languages of audiovisual works), composite works, illustrations, maps, other works. The legal protection extends only to the form of the works and therefore does not extend to ideas, concepts, principles, methods, processes, systems, means, discoveries, even if they are expressed, described, explained, illustrated in a work. In order to establish and materialise authors' rights no registration or other formalities are required.

Objects that shall not be considered as objects of author's rights are the following: official documents of state bodies, including state technical standards as well as official translations of such documents; state symbols and signs; bank notes and coins; works of folklore; reports on facts of the day; telephone directories, public transportation, television schedules and similar data banks that do not respond to the principle of originality (Art. 25).

While only natural persons are recognized as "primary" subjects of the copyright, other natural persons, as well as legal entities may become such subjects by law, contract of testament (Art. 26).

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Модельный Кодекс интеллектуальной собственности для государств - участников СНГ, Информационный бюллетень, 2010, No. 47

http://www.iacis.ru/html/?id=22&pag=760&nid=1

Model Code on Intellectual Property for CIS Member-States, 34th plenary meeting of the CIS Interparliamentary Assembly (Resolution No. 34-6 of 7 April 2010), Информационный бюллетень, 2010, No. 47

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