

specified hereby and in compliance with international commitments of the Parties.

2. In their national legislation, the Parties may apply norms ensuring a level of protection of intellectual property rights higher than that hereunder, provided such norms do not contradict the provisions hereof.

SECTION II

Copyright and Related Rights

Article 4

1. The Parties shall ensure the protection of intellectual property assets on the basis of the Berne Convention for the Protection of Literary and Artistic Works of 1971, the Copyright Treaty of the World Intellectual Property Organization, and the Performance and Phonogram Treaty of the World Intellectual Property Organization.
2. Computer programs including source texts and object codes shall be protected as literary works in compliance with the Berne Convention for the Protection of Literary and Artistic Works of 1971.
3. Compiled works, i.e. works representing by their selection or composition of materials a creative product, shall be protected per se. At the same time

Article 6

For the purposes of this Agreement, intellectual (property and personal non-property) rights to the results of performing activity (performance) and phonograms and other rights under the national legislation of the Parties shall be rights related to copyright (related rights).

Article 7

1. For the purposes of this Agreement, a performer shall be a natural person whose creative work has created a performance, - a performing artist (actor, singer, musician, dancer or another person who acts, delivers, recites, sings, plays a musical instrument or otherwise participates in performing a work of literature, art, or folk art including variety, circus, or puppet show acts), a stage producer of a show (a person staging a theater, circus, puppet, variety or another theatrical production), and a conductor.
2. The Parties shall grant the following rights to performers of the Parties on a mutual basis:
 - 1) exclusive right of performance;
 - 2) right of authorship – the right to be recognized as the author of a performance;
 - 3) right to a name – the right to indicate one’s name or pseudonym on phonogram copies and in other cases of using the performance and the right to indicate the name of a group of performers except for cases when the nature of using a work does not allow indicating the name of a performer or of a group of performers;
 - 4) other rights under the national legislation of the Parties.
3. The performers shall exercise their rights,

Article 8

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1. The makers (producers) of phonograms shall have the right to permit or prohibit the following on the territory of the states of the Parties:
 - 1) direct or indirect reproduction of their phonograms;
 - 2) import to the territory of the state of another Party of a phonogram copy produced without the permission of the maker (produce) of such phonogram.

Article 10

1. For the purposes of this Agreement, an organization acting under the national legislation of the Parties and within the powers granted to it by authors, performers, makers (producers) of phonograms, and other owners of copyright and related rights (hereinafter, authors and other owners of copyright) in the field of collective management of respective rights to ensure royalties to authors and other owners of copyright on the use of the subject matters of copyright and related rights shall be a collective management organization.
2. For the purpose of efficient execution of the property rights of authors and other owners of copyright on the territory of the Common Economic Space member-states, the Parties shall promote the creation and operation of collective management organizations, when individual execution of such rights is hindered, or when the national legislation of the Parties allows using the subject matters of copyright and related rights without permission of the owners of such rights but with royalties paid to such owners.
3. For the purpose of providing lawful use of the subject matters or copyright and related rights based on the concern for complete and effective execution of the rights of authors and other owners of copyright, the Parties shall provide a possibility for the collective management organizations to act in the interests of both authors and other owners of copyright that have directly delegated respective powers to such organizations and authors and other owners of copyright that have not straightly refused from acting in their own interests, including execution of the right to royalties on free reproduction of phonograms and audiovisual works for personal purposes.
4. For the purpose of installing a uniform system for the protection and execution of copyright and related rights, the Parties shall enter, prior to the date of this Agreement, into an international agreement that inter alia provides for:
 - 1) determining a uniform procedure for collective management of rights including the right to royalties on free reproduction of phonograms and audiovisual works for personal purposes;
 - 2) forming databases of protected subject matters of copyright and related rights and an information exchange procedure;
 - 3) determining the work procedure for a commission in charge of coordinating the work of collective management organizations of the Common Economic Space member-states.

Trademarks

Article 11

1. For the purposes of this Agreement, a trademark or a service mark (hereinafter, the trademark) shall mean a sign protected by the national legislation of the Parties and international agreements in

Words, images, three-dimensional signs and other si

- 2) Any use that constitutes an act of unfair competition under 10-bis of the Paris Convention for the Protection of Industrial Property of 1967.

Patent Rights

Article 16

1. The right to invention, utility model, and industrial design shall be protected according to a procedure set forth by the national legislation of

Article 19

The Parties shall commit themselves to take law enforcement actions to ensure effective protection of rights to intellectual property assets.

Article 20

The Parties shall provide for legislative measures aimed at effectively suppressing the circulation of counterfeit goods on the common customs territory of the Customs Union, as well as unified measures of counteracting any intellectual property infringement in Internet.

Border Measures**Article 21**

The Parties shall provide for actions aimed at protecting the rights to intellectual property assets specified in the Customs Code of the Customs Union.

Administrative and Criminal Measures**Article 22**

In order to create a uniform system for the protection of rights to intellectual property assets and to implement provisions of Article 20 hereof, the Parties shall provide for an agreement on coordination of action in protecting the rights to intellectual property assets to be entered into by authorities of the Parties.

SECTION IV**Transparency****Article 23**

1. Laws and other regulatory acts, as well as final court and administrative decisions of general purpose introduced by any of the Parties and pertaining to the subject hereof (availability, scope, acquisition, enforcement, and prevention of abuse of rights to intellectual property assets) shall be subject to official publication and, should such publication be inexpedient, shall be made publicly available for government authorities and right holders.

Agreements pertaining to the subject hereof between the government or a government authority of one Party and the government or a government authority of another Party shall be published as well.

2. Each Party shall readily provide information pursuant to item 1 of this Article in response to a written request received from another Party. A Party reasonably assuming that a particular court or administrative decision or a bilateral agreement in the field of intellectual property rights affects its interests provided hereunder may forward a written request for access to be provided to such court or administrative decisions or bilateral agreements or for information on such decisions and agreements to be properly disclosed.
3. The Parties undertake to notify the Intellectual Property Coordination Council of the Common Economic Space about draft legislative acts and other regulatory legal acts pertaining to the subject hereof.
4. Nothing contained in items 1-3 of this Article shall demand confidential information disclosure by the Parties, which would interfere with law enforcement or otherwise contradict public interests or

damage lawful commercial interests of particular state or private enterprises.

This Agreement was executed in the city of Moscow on December 9, 2010 in one original counterpart TD00(3).9