

ANNEX V

LAW ON COPYRIGHT AND RELATED RIGHTS

TITLE I. GENERAL PROVISIONS

Article 1. Subject of the Law

This Law governs the relations arising from the creation and exploitation of scientific, literary and artistic works (copyright) and of phonograms, performances and the programs of broadcasting or cable distribution organization (Related rights).

Article 2. Legislation of the Republic of Tajikistan on Copyright and Related Rights

The legislation of the Republic of Tajikistan on copyright and related rights is based on the Constitution of the Republic of Tajikistan and consists of this Law, other legislative texts of the Republic of Tajikistan that are enacted pursuant to this Law, as well as international agreements recognized by Tajikistan.

Article 3. Basic Concepts used in this Law

The following terms are used in this Law:

- 1) author – means the natural person whose creative effort has brought about the creation of a work;
- 2) audiovisual work – means a work consisting of a fixed series of interconnected images (with or without sound accompaniment) which is intended to be made visible and (where the images are accompanied by sound) audible with the aid of appropriate technical equipment; audiovisual works include cinematographic works and all works expressed by means comparable to cinematography (television films, video films, fixed projections, slide shows and the like), regardless of the manner in which they are initially or subsequently fixed;
- 3) data base – means a body of data in computer reading or other form, which, by reason of the selection or arrangement of their contents, constitute the result of intellectual creativity. The term Database is not applied to computer programs by means of which electronic access to materials of the database can be obtained.
- 4) reproduction of a work – means taking one or more copies of the work or of part of a work in any form, including the form of a sound or visual recording, reproduction is also recording of a work for permanent or temporary keeping in computer reading form as well as input into internal or external memory of a computer;
- 5)

10) exclusive right – means the right which belongs to an author (authors) of a work that is the product of his (their) creative work, when an other person may not use the work not having suitable permission (license), except in cases provided by this Law;

11) performance - means the presentation of work, phonograms., interpretations or renditions by means of acting or playing, recitation, singing or dancing, either live or with technical aids (broadcasting, cable television or the like) or by showing the pictures of an audiovisual work (with or without sound accompaniment) in their normal sequence;

12) performer - means the actor, singer, musician, dancer or any other person who performs, recites, declaims, sings, plays on a musical instrument or in any other way presents a literary or artistic work (including a variety turn, circus act or puppet show), and also the producer or director of a show and the orchestra conductor;

13) owner of copyright and related rights means the followings:

- the author or the performer allotted with copyright or related rights;
- other natural person or legal entity not the author or the performer in cases when the natural person or legal entity was allotted with primarily economic rights;
- the natural person or legal entity which possesses economic rights by succession or law-succession;

14) publication (publishing) - means putting into circulation copies of the work or phonogram with the consent of the author of the work or phonogram producer and in sufficient quantity to meet the reasonable needs of the public, due account being taken of the character of the work or phonogram;

15) broadcasting - means the communication to the public of works, phonograms, performances or programs of broadcasting or cable distribution organizations (including broadcasts of the presentation or performance) by means of transmission by radio or television (with the exception of cable television); where works, phonograms, performances or programs of broadcasting or cable distribution organizations are relayed by satellite, broadcasting means the act whereby the satellite receives signals from the ground station and retransmits those signals in such a way that works, phonograms, performances or programs of broadcasting or cable distribution organizations may be communicated to the public, independently of their actual reception by the said public;

16) broadcasting by a broadcasting or cable distribution organization - means the broadcast created by the broadcasting or cable distribution organization itself, or, on its instructions and with its funds, by another organization;

17) presentation of a work - means showing the original or a copy of the work, either direct or on a screen with the aid of film, photographic slides, television pictures or other technical means, or showing the individual images of an audiovisual work without concern for their order;

18) computer program – means a body of instructions expressed by words, codes, symbols, signs, diagrams or in other form which can be used by computer or other data processing machine with the aim of producing results. The term covering both the oper

publishing; reprographic reproduction shall not include the storage or reproduction of the said copies in electronic (including digitalized) or optical form, or in any other machine-readable form;

22) rental - means making a copy of a work or phonogram temporarily available for direct or indirect commercial profit;

23) communicate - means to show, perform or broadcast or engage in any other act (except for the distribution of copies of the work or phonogram) whereby the works, phonograms, performances or programs of broadcasting or cable distribution organizations are made audible or visible, whether or not they are actually perceived by the public;

24) communicate to the public by cable - means to transmit works, phonograms, performances or programs of broadcasting or cable distribution organizations to the public by cable, wire, optic fiber or comparable means.

TITLE II. COPYRIGHT

Article 4. Scope of Copyright

By virtue of this Law, copyright extends to works:

- 1) authors of which are nationals of the Republic of Tajikistan or have permanent place of residence within the territory of the Republic of Tajikistan;
- 2) first published within the territory of the Republic of Tajikistan ((including works first published within the Republic of Tajikistan within 30 days of its first publication in another country) or unpublished but existing in an objective form within the territory of the Republic of Tajikistan irrespective of nationality or permanent place of residence of their authors;
- 3) that is granted protection under international treaties to which the Republic of Tajikistan is party.

Article 5. Objects of Copyright. General Provisions

Copyright extends to scientific, literary and artistic works that are the product of creative work, regardless of the purpose, the merit and the manner of expression thereof.

The works must be expressed in an objective form, namely:

- 1) written form (manuscript, typewritten text, musical score, etc.); oral form (public recitation, public performance, etc.);
- 2) oral form (public pronouncement, public performance, etc.);
- 3) sound or visual recording (mechanical, magnetic, digital, optical, etc.);
- 4) figurative form (drawing, sketch, painting, plan, industrial design, still picture from a cinematographic or television or video film, photograph, etc.);
- 5) three-dimensional form (sculpture, model, mock-up structure, etc.); any other form.
- 6) In any forms permitting perceiving of the works.

Ideas, methods, processes, systems, means, concepts, principles, discoveries and facts may not be protected by copyright.

The copyright in a work is independent of the ownership of the material object in which the work is expressed.

The transfer of the ownership of the material object shall not in itself constitute transfer of any copyright to the work embodied in that object.

Article 6. Works Protected by Copyright

The following are protected by copyright:

- 1) oral works (speeches, lectures, reports, etc.)

2) literary works (belles-lettres, scientific, educational, publicistic, etc., including computer

absence of proof to the contrary, to represent the author and, in that capacity, shall be empowered to defend and exercise the author's rights. This provision shall remain in force until such time as the author of the work reveals his/her identity and claims authorship of the work.

An entity possessing copyright or any persons having an exclusive right to a work may register the work within the duration of the copyright in the order determined by an agency authorized by the Government of the Republic of Tajikistan in the field of the protection of copyright and related rights (hereinafter - authorized agency) for giving a certification about authorship to published or unpublished works, about the fact and the date of publication of the work or agreements concerning copyright.

A person possessing material object in which the work is embodied may not block an entity possessing copyright from registering the work.

Article 10. Works of Joint Authorship

The copyright in a work that is the product of the joint creative work of two or more persons (work of joint authorship) shall belong jointly to the co-authors, regardless of whether it constitutes an indivisible whole or is composed of parts, each with an authorship of its own.

A part of a work shall be deemed to have an authorship of its own if it can be exploited independently of the other parts of the same work.

Unless otherwise agreed between themselves, each of the coauthors keeps for himself his moral and economic rights to that part of the work with an authorship of its own that he has created.

The relations between the coauthors may be the subject of an agreement between them. If there is not such agreement, the copyright to the whole work shall belong jointly to the coauthors and royalties shall be distributed in equal quantity.

If the work of the coauthors constitutes an indivisible whole, none of them shall be entitled to prohibit the exploitation of the work without valid reason.

Article 11. Copyright of Compilers of Collections and Other Works

The author of a collection or any other composite work (compiler) shall enjoy copyright in the selection or arrangement of the subject ma

- The author shall enjoy the following moral rights in relation to a work:
- 1) the right to have the author

The amount and the manner of payment of remuneration to the author for each form of exploitation of the work shall be determined by the author's contract and by the contracts that organizations for the collective administration of economic rights conclude with users.

The rights of authors specified in paragraph 2 of this Article shall be subject to the limitations specified in Article 19 to Article 21, 24 and 39 of this Law, which shall apply insofar as the uses in question do not unjustifiably prejudice the normal exploitation of the work and do not without valid reason violate the legitimate interests of the author.

Article 17. Term of Copyright

1. Copyright shall have effect throughout the lifetime of the author and for 50 years after his death and it is transferable by succession except as provided in this Article.

The author's right to claim authorship of his work, his right to be named as such and his right to protection for his reputation shall be protected without limitation in time.

The author may, according to legislative order, specify the person to whom he entrusts the protection of the right of authorship, the right to be named and the right to protection for his reputation after his death. That person shall fulfil his mandate throughout his life.

Where no such person has been named, the protection of the right of authorship, the right to be named as author and right to protection for the author's reputation shall be ensured either by his heirs, in case of absence of heirs or after lapsing the heirs' copyright it shall be ensured by authorised agency.

The copyright in a work of joint authorship shall have effect until the death of the last surviving coauthor and for 50 years thereafter.

The copyright in an anonymous or pseudonymous work shall have effect for 50 years following the date of the lawful disclosure thereof. If, in the course of that period, the author of the anonymous or pseudonymous work reveals his identity, or if that identity is no longer in doubt, the provisions of the first part of this Article shall be applicable.

Copyright in a work first published during thirty years after his death shall have effect for 50 years following the lawful publication of the work.

Any period under this Article shall be calculated as from January 1 of the year following that in which the legal act occurred that marks the starting point of the period.

Article 18. Expiration of the term of the copyright

On the expiration of the term of the copyright in a work, the work shall fall into the state domain.

Works that have never enjoyed protection within the territory of the Republic of Tajikistan shall likewise be deemed fallen into the state domain.

Works that have fallen into the state domain may be freely used by any person without payment of remuneration. However, the author's right to claim authorship, his right to be named as such and his right to protection for his reputation as author shall be respected as provided by Article 15 of this Law.

The Government of the Republic of Tajikistan may specify those cases in which the use, on the territory of the Republic of Tajikistan, of works that have fallen into the state domain should give rise to the payment of a special royalty. That royalty shall be paid into an authors' professional fund or to an organization for the collective administration of the economic rights of authors, and it may not exceed 1% of the revenue derived from the use of the work in question.

Article 19. Reproduction of the Work for Personal Purposes without the Author's Consent and Without Payment of Remuneration

The reproduction of a lawfully published work for exclusively personal purposes which shall apply insofar as the uses in question do not unjustifiably prejudice the normal exploitation of the work and do not without valid reason violate the legitimate interests of the author shall be authorized without need for the author's consent or payment of remuneration, except in the cases provided for in Article 39 of this Law.

The provisions of paragraph 1 of this Article shall not apply:

- 1) to the reproduction of works of architecture in the form of comparable buildings and structures;
- 2) to the reproduction of data bases or substantial parts of data bases;
- 3) to the reproduction of computer programs, except in the cases provided for in Article 24 of this Law;
- 4) to the reproduction of books (in their entirety) and musical scores.

Article 20. Use of a Work without the Author's Consent and Without Payment of Remuneration but provided that the name of the author and the source of the borrowing are mentioned

The following shall be authorized without the author's consent and without payment of remuneration, but provided that the name of the author whose work is used and the source of the borrowing are mentioned:

1) the quotation, in the original language or in translation, for scientific or for research, polemic, critical or informational purposes and to the extent justified by the intended purpose, of extracts from lawfully published works, including the reproduction of extracts from newspaper and magazine articles in press reviews;

2) the use of lawfully published works and of extracts from such works for the purpose of illustration in publications, radio or television broadcasts or sound or visual recordings of educational character, and to the extent justified by the intended purpose;

3) the reproduction in newspapers, broadcasting or communication to the public by cable of articles lawfully published in newspapers or magazines on economic, political, social or religious topics, or of broadcast works of the same nature, insofar as the author has not expressly prohibited such reproduction, broadcast or cable communication;

4) the reproduction in newspapers, broadcasting or communication to the public by cable of political speeches, addresses, lectures and other works of the same nature given in public, to the extent justified by an informational purpose. The author shall nevertheless retain the right to publish those works in collections;

5) the reproduction or communication to the public, in connection with the reporting of current events by means of photography, broadcasting or public cable communication, of works that are seen or heard in the course of such events, to the extent justified by an informational purpose. The author shall nevertheless retain the right to publish such works in collections;

6) the reproduction in Braille or by other special means for the benefit of the blind, done without gainful intent, of lawfully published works, with the exception of works created especially for such means of reproduction.

7) reprographic reproduction in one copy and without gainful intent:

a) of a lawfully published work insofar as the reproduction is the work of a library or archive service and its purpose is to restore or replace lost or damaged copies, or to place copies at the disposal of other libraries that for any reason have lost works from their own collections if it is impossible to get the copy by other way;

b) of isolated articles or succinct works lawfully published in collections, newspapers or other periodical publications, or of short extracts from lawfully published written works (with or without illustrations), if the reproduction is the work of a library or archive service and it is done to meet the requirements of natural persons who will make use of the copies so obtained for study or research purposes;

make alterations to the computer program or data base, where the purpose thereof is solely to ensure their operation on the user's material, and perform any act in relation to the operation of the computer program or data base according to its intended purpose, including any inputting or storing in a memory (that of an individual computer or that of one of the computers in a network), and also correct obvious errors, except where otherwise provided in the contract concluded with the author;

make a copy of the computer program or data base, provided that the copy is intended solely for a archive and for the replacement of a lawfully acquired copy in the event of the latter having been lost, destroyed or rendered useless, on the understanding that the copy of the computer program or data base may not be used for purposes other than those specified in subparagraph (1) of this paragraph, and that it must be destroyed should the possession of the copy of the computer program or data base cease to be lawful.

Any person lawfully in possession of a copy of a computer program may, without permission from the author or any other owner of exclusive rights, and without paying any additional remuneration, reproduce or convert the object code making it into a source code (decompile the program) or have such acts performed by third parties, if they are essential to ensure the interactive capabilities of a computer program independently created by that person with other programs compatible with the program so decompiled, in which case the following conditions have to be fulfilled or observed:

1) the person concerned must not previously have had access to other sources capable of providing him with the information necessary to ensure the interactive capability;

2) the acts mentioned must only be performed in relation to the parts of the computer program the decompilation of which is essential to the achievement of the interactive capability;

3) the information obtained by decompilation may only be used for the achievement of the interactive capability of the independently created computer program with other programs; the information may not be passed on to third parties, except where necessary to ensure the interactive capability of the independently created computer program with other programs and it may not be used for the development of a computer program of a type essentially comparable to the decompiled computer program, or for the performance of any other act prejudicial to copyright.

The application of the provisions of this Article must neither unjustifiably affect the normal exploitation of the computer program or data base or, without valid grounds, prejudice the legitimate interests of the author or any other owner of exclusive rights in the computer program or data base.

Article 25. Authors' Contracts. Assignment of Economic Rights.

The assignment or licensing of economic rights referred to in Article 16 of this Law shall be effected by means of an author's contract except as provided in Article 19 to Article 21, 24 and 39 of this Law.

Economic rights may be assigned on exclusive or non-exclusive basis (exclusive or non-exclusive license).

The author's contract for the assignment of exclusive rights shall allow only that person to whom the rights have been assigned to exploit the work by a specified means and within the limits set by the contract, and shall confer on that person the right to prohibit any comparable exploitation of the work by third parties (exclusive license).

The right to prohibit third parties from exploiting the work may be exercised by the author of the work where the person to whom the exclusive rights have been assigned does not avail himself of that right.

The author's contract for the licensing of non-exclusive rights shall allow the licensee to exploit the work under the same conditions as the owner of the exclusive rights who has granted

those rights to him, or as other persons who have obtained permission to exploit the work by the same means (non-exclusive license).

The rights to which an author's contract relates shall be deemed non-exclusive where the contract contains no express provisions to the contrary.

Article 26. Conditions Governing An Author's Contract

An author's contract shall specify: the modes of exploitation of the work (the specific rights assigned or licensed under the contract), the period and the territory for which the rights are assigned or licensed, the amount of the remuneration payable for each of the modes of exploitation of the work, or the methods for the calculation of the amount of that remuneration, the procedures and the periods for the payment of the remuneration.

If the author's contract does not specify the period for which the rights are assigned or licensed, the author may terminate it on the expiration of a period of five years, following its conclusion, provided the user is notified of the termination in writing six months prior to the termination of the agreement.

If the author's contract does not specify the territory for which the rights are assigned or licensed, the rights concerned by the contract shall have effect only on the territory of the Republic of Tajikistan.

All the rights of exploitation of the work that are not expressly assigned or licensed under

conditions (conditions of using a computer program) are stated on the copies of the computer programs accordingly.

Article 28. Commission Contracts

Under a commission contract, the author undertakes to create the work under the conditions specified in the contract and to hand it over to the commissioning party.

The commissioning party shall be bound to pay the author an advance on the remuneration agreed by contract. The amount of the advance and the procedure and time limits for the payment thereof shall be agreed upon by the parties and specified in the contract.

Where the author has not delivered the commissioned work in the manner specified in the commission contract, he shall be bound to indemnify the commissioning party for the actual prejudice caused thereby.

Article 29. Sanctions in Connection with Author's Contracts

The party who fails to discharge his obligations under an author's contract or does not discharge them in the agreed manner shall be bound to indemnify the other party for the prejudice sustained by the latter, including lost earnings.

TITLE III. RELATED RIGHTS

Article 30. Scope of Related Rights

The provisions of this Law on protection of rights of performers are applied to:

1) performers who are nationals of the Republic of Tajikistan;
2) performers who are not nationals of the Republic of Tajikistan, but their performances:

a) first occurred on the territory of the Republic of Tajikistan;
b) the performances have been recorded on a phonogram protected under the provisions of this Law;
c) the performances have not been recorded on a phonogram but are included in a program broadcast or transmitted by cable that is protected under this Law;

The provisions of this Law on protection of rights of phonogram producers are applied to:

1) a phonogram producer who is a national of the Republic of Tajikistan or a legal entity with headquarters located on the territory of the Republic of Tajikistan;

2) a phonogram producer who is not a national of the Republic of Tajikistan or a legal entity with headquarters located on the territory of the Republic of Tajikistan, but the first publication of the phonograms occurred on the territory of the Republic of Tajikistan or the phonogram was published on the territory of the Republic of Tajikistan within 30 days from the date of first publication in another country.

The provisions of this Law on protection of rights of the broadcasting or cable distribution organizations are applied to broadcasting by a broadcasting or cable distribution organization if the said organization has its headquarters on the territory of the Republic of Tajikistan and broadcasts with the aid of transmitters located on the territory of the Republic of Tajikistan.

The provisions of this Law are also applied to performers, phonograms and broadcasting by a broadcasting or cable distribution organization that is granted protection under international treaties to which the Republic of Tajikistan is party.

recording was originally made for noncommercial purposes;

5) rental of a phonogram published for commercial purposes on which a performance has been recorded with the participation of the performer. This right shall be transferred to the phonogram producer on the conclusion of a contract for the recording of the performance on a phonogram; the performer shall nevertheless retain the right to remuneration for the rental of copies of the phonogram.

The exclusive right of the performer under paragraph 3, part 2 of this Article shall not apply if:

- 1) the initial recording of the performance was made with the consent of the performer;
- 2) the reproduction of the performance is made for the same purposes as the recording of the performance to which the performer consented;
- 3) the reproduction of the performance is made for the same purposes as the recording that was made pursuant to the provisions of Article 41 of this Law.

The authorizations referred to in this Article shall be granted by the performer, or, in the case of a group performance, by the head of the group, in a written contract concluded with the user.

The authorizations referred to in paragraph 1 to 3 of part 2 of this Article shall not be necessary for the rebroadcasting of a performance, the recording for broadcasting purposes and the reproduction of that recording

Except as provided in this Law, the broadcasting organization shall enjoy the exclusive right in relation to its program, to exploit it in any form and to grant authorization to use it, including the right to remuneration for such grant.

The exclusive right to authorize use of its program shall mean the right of the broadcasting organization to authorize:

- 1) the simultaneous broadcasting of the program by another broadcasting organization;
- 2) the communication of the pr

The remuneration for the reproduction referred to in paragraph 1 of this Article shall be paid by the manufacturers or importers of the equipment (sound recording equipment, videocassette recorders, etc.) and of the recording material (tape and cassettes for sound or video recording, optical discs, compact discs, etc.) used for the reproduction.

The collection and distribution of the remuneration shall be effected by one of the organizations for collective administration of the economic rights of authors, phonogram producers and performers under an agreement concluded with the said organization (Article 43 of this Law). Except where otherwise provided in the agreement, the remuneration shall be distributed as follows: 40% to the authors, 30% to the performers and 30% to the phonogram producers.

performance or the broadcast or cabled program or the recording thereof, to reproduce phonograms:

1) for the inclusion in a report on current events of short extracts from the performance, the phonogram or the broadcast or cabled program;

2) for the sole purposes of teaching or scientific research;

3) as a means of quoting, in the form of short extracts, from the performance, the phonogram or the broadcast or cabled program, on condition that the quotation is for information purposes and on the understanding that a broadcasting or cable distribution organization may only, for the purposes of a broadcast or cabled program make use of copies of a phonogram published for commercial purposes if the provisions of Article 40 of this Law are respected;

4) in the other cases provided for in Article 19 to 21 of this Law for the limitation of the economic rights of the authors of literary, scientific and artistic works.

Notwithstanding the provisions of Article 34 to Article 37 and 40 of this Law, it shall be permissible, without consent from the performer, the phonogram producer and the broadcasting or cable distribution organization to make use of the broadcast or cabled program or a recording thereof, and also to reproduce the phonogram for personal purposes. Reproduction of the phonogram shall be permissible against payment of remuneration under Article 39 of this Law.

The provisions of Article 34 to 37 of this Law concerning the authorization of the performer, the phonogram producer and the broadcasting organization shall not be applicable to the making of an ephemeral recording of a performance or program, to the reproduction of that recording or to the reproduction of a phonogram published for commercial purposes if the ephemeral recording or the reproduction is made by a broadcasting organization using its own equipment and facilities and for the purposes of its own broadcasts, on condition that:

1) the broadcasting organization has obtained prior authorization to broadcast the performance or the program of which an ephemeral recording is made or performed;

2) the ephemeral recording is destroyed within the period laid down for ephemeral recordings of literary, scientific and artistic works made by broadcasting organizations under the provisions of paragraph 4, Article 21 of this Law; however, a single copy may be preserved in official archives if it is of purely documentary character.

The application of the limitations provided for in this Article shall not prejudice either the normal exploitation of the phonogram, the performance or the program broadcast or transmitted by cable, or recordings thereof, or the normal exploitation of the literary, scientific or artistic works incorporated therein, and it shall likewise not prejudice either the legitimate interests of the performer, the phonogram producer or the broadcasting or cable distribution organization or those of the authors of the works in question.

Article 42. Term of related Rights

The rights of the performer under this Law shall have effect for 50 years following the first performance.

The performer's rights to be named and to have the performance protected against any distortion or other derogatory act, laid down in Article 34 of this Law, shall be protected without limitation in time, but are not inheritable.

The rights of the phonogram producer under this Law shall have effect for 50 years following the first publication of the phonogram, or for 50 years following the first recording thereof if it has not been published in the course of that period.

The rights of the broadcasting organization under this Law shall have effect for 50 years following the date of the first broadcast effected by the organization.

The rights of a cable distribution organization under this Law shall be protected for 50 years following the date of the first cable transmission made by the organization.

Any period under this Law shall be calculated as from January 1 of the year following

The right to authorize the use of the performance, phonogram or broadcast or cabled program and the right to remuneration shall pass to the heirs (in the case of a legal entity, to the successors in title) of the performer, phonogram producer or broadcasting or cable distribution organization for the duration of the non-elapsed portion of the terms specified in this Article.

TITLE IV. COLLECTIVE ADMINISTRATION OF ECONOMIC RIGHTS

Article 43. Objectives of the Collective Administration of Economic Rights

Organizations for the collective administration of the economic rights of authors, performers, phonogram producers and other owners of copyright or related rights (hereinafter - organizations for the collective administration) may be created for the exercise of the economic rights of those persons or entities in cases where the individual exercise thereof is hampered by difficulties of a practical nature.

Such organizations shall be created as nongovernmental non-commercial organizations; they shall operate within the limits of the mandate entrusted to the owners of copyright or of related rights.

It shall be permissible to create either separate organizations for particular rights and particular categories of owners, or organizations that administer various rights on behalf of various categories of owners, or again one organization managing both authors' rights and related rights.

Article 44. Mandate of Organizations for the Collective Administration

The mandate for the collective administration of economic rights shall be entrusted either direct, by the owners of copyright or related rights in written contracts, or under appropriate contracts with foreign organizations that administer equivalent rights. Such contracts shall not constitute authors' contracts, and the provisions of Article 25 to Article 29 of this Law shall not be applicable to them.

Any author or his heir or any other owner of copyright or related rights protected under Title III of this Law may, by contract, entrust the exercise of his economic rights to a collective administration organization, and the latter shall agree to exercise those rights on a collective basis the rights in question form part of its statutory activity.

Collective administration organizations shall not be entitled to engage in the exploitation
Title III of this Law may, by contract, entrust the exercise of his economic rights to a collective administration organization, and the latter shall agree to exercise those rights on a collective basis the rights in question form part of its statutory activity.

Article 45. Functions of Organizations for the Collective Administration

An organization for the collective administration of economic rights shall, on behalf of the owners of copyright or related rights that it represents and on the basis of the mandates entrusted to it, perform the following functions:

- 1) negotiation, with users, of remuneration amounts and other conditions to which the grant of licenses is subject;
- 2) licensing of users for the exploitation of rights the administration of which forms part of its activities;
- 3) negotiation, with users, of remuneration amounts where it is responsible for collecting such remuneration without granting a license (part 3, Article 39, part 2 and 3, Article 40 of this Law);
- 4) collection of the remuneration provided for in licenses or that referred to in subparagraph (3) of this Article;
- 5) allocation and payment of the remuneration collected under subparagraph (4) of this Article to the owners of copyright and related rights that it represents;
- 6) performance of any legal act essential to the defense of the rights the administration of which forms part of its activities;
- 7) performance of any other activity under mandates received from the owners of copyright or related rights.

Article 46. Obligations of Organizations for the Collective Administration

An organization for the collective administration of economic rights shall act in the interest of the owners of copyright or related rights that it represents. To that end it shall discharge the following obligations:

- 1) at the same time as the remuneration is paid, it shall report to the owners of copyright or related rights on the use of their rights;
- 2) it shall use the remuneration collected under paragraph 4, Article 45 of this Law exclusively for allocation and payment to the owners of copyright or related rights; however the organization has the right to deduct from the amount of the remuneration collected a sum intended to cover expenditure actually incurred by it in the collection, allocation and payment of the remuneration, and also a sum payable to a special fund established by it for the benefit of the owners of copyright and related rights that it represents, and with their agreement;
- 3) it shall allocate the remuneration collected, after deduction of the sums referred to in paragraph 2 of this Article, and ensure the regular payment thereof.

Owners of copyright or related rights who have not mandated the organization to collect the remuneration provided for in paragraph 4, Article 45 of this Law shall be entitled to demand that the organization pay them the remuneration accruing to them according to the allocation made, or alternatively that it exclude their works or subject matter of related rights from the licenses that it grants users.

copyright or related rights from a State in which the said works or phonograms have never been protected or have ceased to be protected shall also constitute counterfeit copies.

Any natural persons or legal entities that do not meet the requirements of this Law bear the responsibility according to the legislation.

Article 48. Sanctions for the Protection of Copyright and Related Rights

The owners of exclusive rights, whether copyright or related rights, may demand of the infringer of his rights:

- 1) recognition of the said rights;
- 2) restoration of the situation obtaining prior to the infringement of the said rights and the cessation of the acts that infringe or are liable to infringe them;
- 3) payment of damages, including loss of earnings;
- 4) the surrender, in place of the payment of damages, of revenue derived by the infringer from the infringement;
- 5) the adoption of such other measures provided for in legislative texts as are recognized for the defense of his rights.

The choice between the measures referred to in paragraph 3 - 4 of this Article shall be made by the owner of the copyright or related rights.

Item 2.

a)

The Government of the Republic of Tajikistan

DECREE

Of July 1, 1999

No. 251

the city of Dushanbe

On the Minimum Amounts of Author's Remuneration for Publication of Works of Science, Literature, Art and Implementation of Orders on Creation of Dramatic, Musical, Musical and Dramatic and Literary Works for Public Performance or for the Right of the First Public Performance of Unpublished Works

In accordance with the Law of the Republic of Tajikistan "On Copyright and Related Rights" The Government of the Republic of Tajikistan

resolves:

		Remuneration for interpreter per 40000 typographical units
1	2	4

1.	Belles-lettres	25000
2.	Poetry	100
		(per line)
3.	Literature on all scientific and technical problems, monographs, monographs	20000
4.	Popular scientific literature	20000
5.	Educational literature:	
	For higher and specialized secondary establishments	18000
	For contemporary schools	15000

Note:

1. MinimumeT57.0049 T14 TD.0001 T.15 TD0 .000 7-.595 Notde95 Notde15 TD.000fo4 Tw(0.

6.	Small-volume ones up to 250 terms	100	-
		(for word)	
7.	Annotated selection of words	200	-
		(for word)	
8.	Selections archives materials	12000	-
9.	Selections, one-volume editions, selected works and collected		

**Works for orchestras of folk
musical instruments and brass bands**

11.	Concert with orchestra, suite, overture, fantasia, pot-pourri	2 score	45000
12.	(, and others)	3 score	16000

**Works for variety orchestras
and concert ensembles**

13.	Suite, overture, fantasia	2 score	25000
14.	Small piece (march, dance and others)	3 score	9000

Note: works, provided by paragraphs 11, 12, 13, 14 of this Section are submitted in score. In case of submitting of clavier the payment is 50% from remuneration for score.

Chamber works

15.	Quintet, quartet, trio and other ensembles, solo or ensemble sonata	1 score	32000
16.	Suite for chamber ensemble, variations, scherzo and others	1,5 score	20000
Small works for separate musical instruments (nocturne, prelude, etude, dance and others)			
17.	For concert performance	3	10000
18.	Pedagogical and for first stage of teaching	5	6000

Note: As a rule score is an original work, and clavier is considered as arrangement and is paid up to 40% suitable remuneration for original work. Sometimes (when editing opera, ballet, musical comedy) clavier may be considered as original work; in those cases score is considered as arrangement and is paid up to 40% suitable remuneration for original work.

Vocal works

19.	Many-parted works for chores without accompanied by musical instruments	1	55000
20.	One-part works for chores without accompanied by musical instruments	3	15000
21.	Many-parted works accompanied by piano, bayan or other instruments	2	40000
22.	One-part works for chorus accompanied by piano, bayan or other instruments	5	15000
23.	Vocal ensembles with or without accompaniment (duet, trio, quartet, quintet, and others)	3	20000
24.	Mass of variety song for part of chores accompanied by piano or bayan		

31. Libretto of cantata
32. Libretto of oratorios

Enclosure 2
For the Decree of the
Government
of the Republic of Tajikistan
of July 1, 1999 251

Minimum Amounts of Author's Remuneration for Implementation of Orders on
Creation of Dramatic, Musical, Musical and Dramatic and Literary Works for
Public Performance or for the Right of the First Public Performance of
Unpublished Works

	Type of works	Amounts of Author's Remuneration (Minimum)
1	2	3

	95600
16. Large one-part musical instrument works (poem, rhapsody, prelude fugue, variations, passacaglia and others)	79600
17. Concert (for symphonic orchestra, orchestra of folk instruments, brass band and chamber orchestra, chorus a'capella, soloing instruments and part with orchestra)	320000
18. overture for symphonic orchestra, fantasy, rhapsody, pot-pourri and others non-cyclical large works	79600
19. Small one-part works for orchestra	27900
20. Romances for part with orchestra	25900
21. Cyclical works for brass band, variety orchestra, orchestra of folk instruments	71600
22. March for brass and other orchestras	25900
23. Dances and works of variety entertainments for orchestra folk musical instruments, variety and other orchestras, including piece for soloing instruments accompanied by orchestra	25900
24. Chamber ensembles for many-parted works (duets, trios, quartets, quintets, sextet, and others including ensemble sonatas)	155000
25. Suite for chamber ensemble	71600
26. Sonata for soloing instruments	120000
27. Small chamber works	16000
28. Many-parted works for chores without accompanying	112000
29. Works of variety entertainments for chores without accompaniment	32000
30. Many-parted works for chores with instrumental accompaniment	79600
31. Works of variety entertainments for chores with instrumental accompaniment	25900
32. Romances, ballades, vocalizes, concert arias, and other chamber works for part with accompaniment	21000
33. Music for songs (in the form of clavier)	60000
34. One-part melodies for songs without accompaniment	7200

Note: Two-part music for satirical songs is paid according to paragraph 33 of this Enclosure.

54. Montages, compositions, literary mountings of variety numbers and numbers of original genre	7200
55. Opening monolog for master of ceremonies	7200
56. Prologue and final for performing by collective	8100
57. Short dialog (interlude)	3000
58. Short expressed in verse text	3200
59. Gallery	6300
60. Literary arrangement of antre	6300
61. Clown antre, antre for musical clowns	2000
62. Reprise	6300
63. Pantomime, plot circus performance (libretto and text)	7200
64. Scenario of circus number (plot, acrobatic feat and technical working out of new original number)	20000
65. Scenario of circus attraction (plot, acrobatic feat and technical working out of new original number)	50000
66. Musical prelude, entr'acte for circus or variety show	20000
67. March, galop, waltz, polka, intermezzo, romance and other small plays	20000
68. Variety entertainments, for accompaniment of circus or variety number	2800
69. Music compilation mountain of circus or variety number	2500
70. Scenarios and texts plot variety performances	83000
71. Literary scenario of mass holiday	80000

Note: 1000 Tajik rubles = 1 somoni (new currency of the Republic of Tajikistan)

b)

The Government of the Republic of Tajikistan

DECREE

Of July 1, 1999

No. 252

the city of Dushanbe

On the Minimum Amounts of Author's Remuneration for Public Performance of Works of Literature and Art, Reproduction of Work in Sound (Mechanical) Recording and Distribution of Copies of Phonograms and Audiovisual Works and Reproduction of Works of Fine Arts and Reproduction of Works of Applied Art in an Industrial Process

In accordance with the Law of the Republic of Tajikistan "On Copyright and Related Rights" The Government of the Republic of Tajikistan

resolves:

1. To approve and to constitute from July 1, 1999;
the Minimum Amounts of Author's Remuneration for Public Performance of Works of Literature and Art under the Enclosure No. 1;
the Minimum Amounts of Author's Remuneration for Reproduction of Works in Sound (Mechanical) Recording and Distribution of Copies of Phonograms and Audiovisual Works under the Enclosure No. 2;
the Minimum Amounts of Author's Remuneration for Reproduction of Works of Fine Arts and Reproduction of Works of Applied Art in an Industrial Process under the Enclosure No. 3.
2. The concrete amount of the remuneration of the author, the procedure and the period for its payment are established by interested parties when concluding of the contract.

The Chairman of the Government
of the Republic of Tajikistan

E. Rakhmonov

Enclosure 1
For the Decree of the Government
of the Republic of Tajikistan
of July 1, 1999 252

**MINIMUM AMOUNTS OF AUTHOR'S REMUNERATION
FOR PUBLIC PERFORMANCE OF WORKS OF LITERATURE AND ART**

I. Minimum Amounts of Author's Remuneration for Public Performance of Works of Literature and Art

) furniture (in the presence of peculiarities permitting to refer the goods to works of decorative and applied art)	1
) toys	
) adornments, in that number jewelry:	1,5
made of non-precious materials	
made of precious materials	1
) wallpaper, oil-cloths, etc. (from selling price of piece, long meter)	0,05
) carpets:	1
machine-made carpets	
handwork carpets	0,5
) textile haberdashery	2
	1

Note: for producing works of the small plastic arts and diminutive sculpture are used amounts provide for reproduction of sculpture works.

The procedure of implementing of minimum amounts of author's remuneration for reproduction of works of fine arts and reproduction of works of applied art in an industrial process:

1. Author's remuneration for reproduction of works of fine arts and reproduction of works of applied art in an industrial process is paid besides author's remuneration for creation of work. The amount of the author's remuneration for creation of works of fine arts and reproduction of works of applied art in an industrial process are fixed by mutual agreement.

2. The amounts of the author's remuneration provided by this Enclosure are minimum, and they are implemented unless otherwise provided in an agreement between interested parties.

3. Author, who created a model of work of fine art or applied art for reproduction or reproduction in an industrial process in the course of duty obligations or in the performance of an assignment expressly given by the employer (service-related work) receives the author's remuneration for reproduction or reproduction in an industrial process of such work under the norms provided by this Enclosure unless otherwise provided in an agreement between interested parties.

4. Legal entity or natural person carrying out the reproduction of works of fine arts or applied art is payer of author's remuneration.

5. Amount of author's remuneration are specified in the form of a percentage of the selling price of each copy of the manufactured articles by which manufactured articles are handed over for sale by payer.

6. An author of a work may right for receiving one additional copy paying it at cost price with the exceptions of manufactured articles made of precious metal and with precious stones.

An author may purchase copies of manufactured articles representing measuring materials (clothes, oil clothes, etc.) in number that is necessary for their demonstration at exhibition according to its conditions.

2.	Half type page ones	Piece	50
3.	Frill ones	Piece	30

Note: turn illustrations are paid for each type page according to the rates of paragraph 1, over a half type page is paid in proportion to occupied area according to the rates of paragraph 2.

Illustrations taking up more than 1/3 type page, but less than 3/4 one are paid as a half type page. Illustrations taking up 3/4 type page and more are paid as one- type page ones.

. Head-pieces, tailpieces, initials, drawn prints

1.	Plot, theme ones	Piece, sign	30
2.	Decorative and printing	Piece, sign	18

Note: head piece measuring more 1/2 type page are paid according to Section *Illustration*, paragraph 1.

. Xylography, lithography, copper-plate, linocut

1.	Original composition for the first wood, stone plate	Cm ²	3,6
2.	For the second and following wood, stone plate	Cm ²	1

. Emblematic

(emblems, coat of arms, trademarks, firm inscriptions, signs of service, pictograms)

1.	International and republican significance	Piece	360
2.	Other	Piece	145
3.	Logotype (black and white) Additional sketches	2 sketch	145 +50%

. Reward documentations, tickets, packings, labels

1.	Reward documentations (diplomas, addresses, certificates, certificates of good work, etc.)
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1	2	3	4
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2. Tickets, packing, labels

. Author's photograph

1	2	3	4
1.	Photography of separate objects and materials with exposure of texture of surfaces and details; landscapes, theatrical photography, genre portraits, photograph of industrial processes	Negative	20
		Slide, Color negative	26
2.	Architectural photograph, photograph of sculpture art, monuments, monumental art, artistic portraits, small art, microphotograph, genre and reporting photograph, photograph of animals and birds in open-air cage, agricultural conditions, chronicle photograph	Negative	20
		Slide, Color negative	35
3.	Photograph of wild animals, animals, birds and insects	Negative	26
		Slide, Color negative	44
4.	Photograph effective in stage production, photomontage	Negative	26
		Slide, Color negative	90

Note: All minimum prices for photos and slides provide printing from original measuring 24 x 36 mm. Negatives and slides of most sizes are paid with extra charge: 45 x 60 mm by 50%; 60 x 60 mm by 75%; 60 x 70 mm by 100%; 60 x 90 mm by 120%; 90 x 120 mm by 200%; 130 x 180 mm and more - under a treaty.

For photograph in especially difficult conditions (submarine, speleological, Alpine, in x 60.0002 Tc.8e

. Rates of author' s remuneration for reproduction for printing of works of fine art and photo art created not for reproduction in printing (painting, easel painting, sculpture, applied art, photo, etc.), as well as for reproduction of illustrations and photos, purchased by museums and other organizations

1	2	3	4
1.	Reproduction in sheet (wall) form	reproduction	100
2.	Reproduction in other printing editions (except monographer editions, dedicated to creativity of a		

**PART II. MINIMUM AMOUNTS OF AUTHOR'S REMUNERATION
FOR ARTISTIC AND GRAPHIC AND PHOTOGRAPHIC WORKS FOR
REPRODUCTION IN PRINTING.
EXECUTIVE WORKS**

I.

	projections according to initial data in orthogonal projections		
8.	Construction and making of perspectives according to initial data	Cm ²	0,3

1.	Types of Cyrillic and Latin alphabets	Sign	0,54
2.	Oriental and hieroglyph types	Sign	1,8
3.	Music line, music system	line	1,8
. Reproduction of artistic originals (xylography)			
1.	For the first and the following wood plate	Cm ²	1
. Technical xylography			
1.	Technical xylography and engraving of pellicle	Cm ²	0,54
. Making of original of press for relief stamping			
1.	Portrait, plot, decorative composition	Piece	90
. Training and visual aids			
1.	Trainings and visual aids making in technical drawings (in orthogonal and axonometric projections)	Aid, piece	110

CARTOGRAPHICAL WORKS

Payment for making and mounting is realised for all area of map including legend (explanation of conventional sign) except points specially indicated in suitable following paragraphs.

If the area of map less 200 Cm² minimum rate for all elements of making and mounting is increased by 75%.

The making is realized with pencil. In case of need fastening with Indian ink (for creation *drawing up original* separate from mounting one) the payment of this work is realized in the rate of mounting of lower gradation

A. Drawing up of map

In the term of geographical base (or general geographic load) is included the following elements of deferent difficulty: limits, grids, coast line, river network, road network, political frontier and administrative border, settlements.

	Type of work	Unit of measure	Rate (somon)
1	Geographical base of map with grid, especially difficult coast line dense river network with many roads and borders; cartographical material of different scales which differs from the scale of being drawn map and in other cartographical projection	Cm ²	0,6
2	Geographical base of map with grid, difficult coast line and river network in the presents of many roads and borders; cartographical materials similar to being drawn up map projection but in other scale, or cartographical material equal projection but considerably differ from the scale or cartographical material	Cm ²	0,5
3	Geographical base of map with meddle difficulty of coast line and river network in the presents of roads and borders; cartographical material of similar scales and projection; drawing up is made on pale photo copy with selection, generalization, with using additional		

4	Geographical base of map with simple coast line without roads and borders or with small number of them drawing up is made on pale photo copy with selection and generalization	Cm ²	0,4
5	Geographical base of map with small number of other elements, bases of map for cartograms drawing up is made on pale photo copy with small selection of other methods of drawing up (tracing-paper, coping table)	Cm ²	0,3
		Cm ²	0,4
	. Drawing up of relief in contour line		
1	Difficult mountain relief cartographical material of different scales and projection, detail plans of towns	Cm ²	1,2
2	Less difficult mountain relief cartographical material of similar scales and projection or drawing up is made on pale photo copy with informing in that number plans of settlements	Cm ²	1
3	Hill or dismember plain relief; cartographical material of different scales or drawing up is made on pale photo copy with generalization	Cm ²	0,6
4	Plain relief; drawing up is made on pale photo copy with some generalization	Cm ²	0,4

B. Drawing up of special load

1	2	3	4
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In the term of special load is included all elements of a map, which is not a part in general geographic load (base). For example: sea and air lines, sea currents, roots, isoclinals of deferent types (lines of equal quantitative indices – such as isotherm and others), natural habitats (areas) of spreading deferent objects of phenomena, contours of deferent stroke scale or non scale conventional sings:

- | | | | |
|---|---|---------------|-----|
| 1 | Point with number and geographical date with plotting detailed borders of separate regions | Cm^2 | 0,6 |
| 2 | Drawing up of small natural habitats (areas) with most generalisations selection and unification deferent natural habitats from maps which differs from being drawn up original with scale and projection | Cm^2 | 0,6 |
| 3 | Drawing up of natural habitats (contours) with generalisations, selection and unification from maps which have scales and projections similar to | | |

. Drawing up of separate conventional signs (of equal scale, deferent scale), writing of names on drawing up originals

1	2	3	4
1	Drawing up of the sign of deferent scale on number date with calculation of area and putting on a map	Sign or word	14
2	Drawing up of the sign of deferent scale according to calculated date and putting on a map	Sign or word	8
3	Drawing up and putting on a map of conventional of equal scale	Sign or word	6
4	Drawing up of signs in the legend of map	Sign or word	32
5	Writing of names and texts of legend on drawing originals and	Sign or word	14
6	Writing out of geographical and other names in type-setting with making-out on point and type of print	Sign or word	0,8

Note: Drawing up on photocopies with fastening with Indian ink (for making of separate original) is paid 30 – 50 % of price of drawing (mounting) of publishing house original.

Minimum rate of remuneration for drawing up of base and special on badly reading photocopies with selection and generalisation is in

E. Drawing of relief in contour lines

1	2	3	4
1.	Difficult mountain relief	Cm ²	0,8
2.	Hill relief, difficult isobaths (lines of equal depths)	Cm ²	0,6
3.	lain relief, simple isobaths	Cm ²	0,4

F. Drawing of stroke relief, relief shading in contour lines: ordinary shading, continuous shading, color shading, drawing of sands and brown color areas, stylized drawing of forest and plant objects of geographical environment

Payment according to this paragraph is realized only for area occupied with the following objects:

1.	Picturing of difficult relief of mountain countries with strokes	Cm ²	2
2.	Picturing of relief of middle difficulty with strokes	Cm ²	3,2
3.	Picturing of difficult relief	Cm ²	3
4.	Picturing of simple mountain or hill relief with strokes	Cm ²	2,4
5.	Picturing of simple relief with strokes	Cm ²	1,2
6.	Ordinary difficult mountain relief shading	Cm ²	1,6
7.	Ordinary middle difficulty relief shading	Cm ²	1,4
8.	Ordinary simple relief shading	Cm ²	0,8
9.	Continuous relief shading	Cm ²	2,6
10.	Color relief shading	Cm ²	4
11.	Sands (plane, hilly, etc. picturing with points)	Cm ²	1,6
12.	Picturing of forest and other objects of geographical environment with stylized signs	Cm ²	1,2
13.	Brown color area of rich saturation	Cm ²	2,4
14.	Brown color area of middle saturation	Cm ²	1,6
15.	Brown color area of thin saturation	Cm ²	1,2

G. Drawing of special load

1	2	3	4
1	Difficult small natural habitats, thick isoclines with many different stroking	Cm ²	1,6
2	Natural habitats or isoclines with different stroking or with small number of stroking in small		

	natural habitats	Cm ²	1
3	Large natural habitats and thick isoclines (roads, roots, etc.) with small number of stroking	Cm ²	0,4
4	Separate large natural habitats or isoclines (roads, roots, etc.) with small number of stroking	Cm ²	0,4

H. Drawing of separate conventional signs

1	Difficult drawing of different size	Sign	2
2	Difficult drawing of the same size	Sign	1,6
3	Geometrical figures of different size	Sign	1

L. Models of dismemberment of colors

1	Dismemberment of stroke elements of map (model of retouch)	Cm ²	0,2
2	Dismemberment of hypsometric stages of coloration	Cm ²	0,4
3	Producing of model of background color paint	Cm ²	0,2
4	graphic of tone mounting of map (apportionment of percentage of content of color on the scale of color inclusion in color background of mounting of maps):		

M. Color separation of many-colored maps by method of masking on pellicle with demountable stratum, on photographic paper and tracing paper

1	2	3	4
1	Producing of masks for maps with coast line or natural habitats of middle difficulty	Cm ²	0,08
2	With not difficult coast line or natural habitats	Cm ²	0,04
3	With coast line or natural habitats	Cm ²	0,04

N. Producing of author's sketches of special load of historical, grounds, geological, etc. maps

1	Especially difficult new editions compiled on odd sources, publications in foreign languages, archives materials (on turn)	Cm ²	20
2	The same – on generalized (summery) materials of special investigations and working out of the subject	Cm ²	14
3	Difficult ones – on generalized literary sources and odd cartographical materials	Cm ²	12
4	Middle difficulty ones – mainly on cartographical materials with got more specific fact date	Cm ²	4
5	Simple ones – on base of remaking of maps published by other publishing houses	Cm ²	2

Note: Producing of original on photocopy (contact) is paid on 60% from price of producing of publishing houses original.

III. TECHNICAL PHOTOGRAPHY

1. Photograph of works of fine art (painting, graphic) and printing editions

1	2	3	4
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) for polygraphical using, for retouch imprints and etc. from black & white and color originals	Original	0,9
3.	Black & white photo-printing		
	) printing for polygraphical reproduction, panorama one, for covering and drawings again, lantern-slide and duplicate negatives	Imprint	0,36
	) combined printing from two and more negatives, compound one, in that number printing of geographical maps	Imprint	1,44
4.	Color photo-printing		

1	2	3	4
5.	Zoology and botanic:) animals and birds (groups and separate ones)	Plot	3,6
	) plants: of simple structure	Plot	1,8
	of difficult structure, with making out of detail of structure	Plot	5,4
6.	Landscapes simple and difficult ones in that number with animals and men	Plot	1,8
7.	Man's figures) single one	Plot	1,8
	) group ones	Plot	5,4
8.	Portraits) single one	Plot	7,2
	) group ones	Plot	14,4
9.	Evans reporting, photos of sport competitions and shows) simple	Plot	3,6
	) combined, in that number reproductions from archives materials	Plot	5,4
10.	Construction and architecture: buildings, details of buildings, interiors and details of inside equipment of promises, historical monuments of architecture, architectural ensembles, general view of towns, construction and industrial view, tone and stroke imprints	Plot	1,8
11.	Photographs from models	Plot	1,8
12.	Artistic works (sculpture, painting, graphic, still life) anatomy and biology, tone and stroke imprints	Plot	3,6
13.	Micro-photo, air-photo, röntgenoscopy:) not large format with small lode (tone and stroke imprints)	Plot	1,8
	) difficult with large lode – tone and stroke imprints	Plot	9
14.	Texts of historical documents, autographs, covers, book covers, visual aids and stroke table:) simple ones	Plot	7,2
	) difficult ones	Plot	14,4
	) especially difficult ones and main ones	Plot	21,6
15.	Retouch other photos	Plot	1,8
16.	Color retouch of color slides and photos for reproduction in poligraphical printing:) machines, zoological and botanic slides, landscapes, portraits (simple), architecture,		

interiors, historical monuments, sculpture, painting, the museum exhibit, anatomy and biology:

	retouch with using of dye-stuff	Slide,photo	9
	retouch with chemical treatment	Slide, photo	16,2
	) especially main and group portraits; slides, photo of meetings, conferences, mass scenes; event reporting, sport, theatrical scenes, town street plots		
	retouch with using of dye-stuff		
	retouch with chemical treatment	Slide,photo	18
		Slide, photo	25,2
	) graphic	Slide,photo	7,2
17.	Coloring of photo:		
	) coloring of photo of color reproductions without chemical treatment of tone intensifying		
	) coloring of photo with using of chemical treatment of tone intensifying with change of color	Slide,photo	10,8
		Slide,photo	18

Note: For retouch of photo of large formats (measuring over 30 40), as well as for covering of cross-line screen, dispose of la

ITEM 3.

CODE CRIMINAL AND LEGAL CODE.

Article 63.

An official implementing inquiry, investigator, procurator and court dealing with the proceeding of cases have the rights to summon according to the order provided by this

– are punished by fine in the rate from one thousa

and means transport except cases provided by articles 279 and 282 of the present Code, entails the imposition of a fine from one hundred to three hundred percent of the cost of goods and means of transport being direct objects of the breaking of the law, with their confiscation or recovery of the cost of these goods and means of transport.

Article 279. Non-declaring or inauthentic declaring of goods and means of transport

The non-declaring or not authentic declaring of goods and means of transport transferred across the customs border of the Republic of Tajikistan that is not stating the authentic data in the fixed written, verbal or other form or the presentation or not authentic information in respect of goods and means of transport, their customs regulations and other information necessary for the customs purposes except cases provided by Article 258, 262, 263, 274, 275, 276, 278 and 282 of the present Code in the absence of the smuggling signs, entails the imposition of a fine from one hundred to two hundred percent of the cost of goods and means of transport being direct objects of the breaking of the law with the recovery of the cost of such goods and means of transport or without it or with the revocation of the licence or qualification certificate or without their revocation.

The declaration of the not authentic information which do not influence on the taking by the customs agency of the Republic of Tajikistan of the decision on the transference of goods and means of transport across the customs border of the Republic of Tajikistan, their placement under the inquired customs regulations, rate of customs duties entails the imposition of a fine up to threefold over of the minimum monthly salary fixed by the law.

Article 365. Resolution of the customs agency of the Republic of Tajikistan on the case concerning violation of the customs

Having considered the case concerning violation of the customs rules the official of the customs agency of the Republic of Tajikistan shall pass one of the following resolutions regarding:

- 1) the imposition of a penalty;
- 2) the stoppage of the proceeding;
- 3) bringing of a criminal action of smuggling or other crimes the prosecution of inquiry on is within the competence of the customs agencies of the Republic of Tajikistan;
- 4) sending the materials to the other law-enforcement bodies of the Republic of Tajikistan to settle the questions concerning the bringing of a criminal action of smuggling or other crimes the prosecution of inquiry on which is within the competence of the customs agency of the Republic of Tajikistan.

Approved by the Decision of
the Council of Heads of Governments
of the Commonwealth of Independent States
on a Joint Working Commission
of the Member-States of the Agreement on Cooperation
in Suppression of Violations of the Law
in the Area of Intellectual Property

of June 20, 2000

REGULATION
on a Joint Working Commission of the Member-States
of the Agreement on Cooperation
in Suppression of Violations of the Law
in the Area of Intellectual Property

1. General

- 1.1 A Joint Working Commission of the Member-States of the Agreement on Cooperation in Suppression of Violations of the Law in the Area of Intellectual Property (hereinafter the Commission) shall be set up consistent with Article 7 of the Agreement on Cooperation in Suppression of Violations of the Law in the Area of Intellectual Property of March 6, 1998 to take effective measures to prevent and suppress violations of the law in the area and to coordinate actions of the Member-States of the Agreement.
- 1.2 The Commission shall be a permanent advisory and deliberative body of the Member-States of the Agreement on Cooperation in Suppression of Violations of the Law in the Area of Intellectual Property.
- 1.3 The activities of the Commission shall be guided by the Agreement on Cooperation in Suppression of Violations of the Law in the Area of Intellectual Property of March 6, 1998 (hereinafter the Agreement), by the Agreement on Measures Preventing and Suppressing the Use of False Trade Marks and Geographical Indications of June 4, 1999, and by other international agreements in the area of intellectual property protection, as well as by this Regulation.
- 1.4 The Commission shall interact with the CIS Executive Committee, the International Council on Industrial Property Protection, the CIS Council of Interior Ministers, the CIS Council of Heads of Customs Services, the International Council on Antimonopoly Policies, and other bodies.

2. Tasks of the Commission

The main task of the Commission is to prepare proposals and recommendations on the improvement of the normative and legal framework and practices of intellectual property

protection of the Member-States of the Agreement in the following directions:

- a) harmonization of the national legislation in the area of intellectual property protection, given the current international agreements in the sphere;
- b) the exchange of information on prevention and suppression of violations of the law in the area of intellectual property;
- c) the creation of the common database on prevention and suppression of violations of the law in the area of intellectual property;
- d) the exchange of the work experience on prevention, identification, suppression, and solution of violations of the law in the area of intellectual property;
- e) the exchange of the present normative and legal acts, and training, methodological, and special literature;
- f) the arrangement of joint scientific research, workshops, and conferences;
- g) the facilitation in the preparation and staff professional improvement;
- h) the facilitation in the setting up of multilateral registration systems of geographical indications and notices on their protection to the Member-States of the Agreement.

3. Functions of the Commission

To implement the tasks set forth, the Commission shall:

- a) develop proposals and recommendations to implement complex activities aimed at the enforcement of the national legislation in the area of protection of intellectual property rights;
- b) summarize the international experience in the area of protection of intellectual property rights and prepare the relevant recommendations;
- c) develop proposals on joint actions to raise awareness of specialists, scientific workers, inventors, and entrepreneurs in the area of protection of intellectual property rights, as well as in the area of copyrights and related rights;
- d) facilitate the Member-States of the Agreement in the exchange of legislative, methodological, and other information in the area of protection of intellectual property rights;
- e) assist the Member-States of the Agreement in the preparation of national legislative acts and other documents in the area of intellectual property protection, and upon requests prepare expert opinions on them;
- f) submit the work performance reports to the Member-States of the Agreement;
- g) perform other functions relating to the Agreement implementation.

4. Rights of the Commission

To implement the functions set forth, the Commission shall be entitled to:

- a) set up working groups on the Commission activities;
- b) develop proposals and recommendations on harmonization of the national legislation in the area of intellectual property protection, given the current international agreements in the sphere;
- c) prepare proposals on financing of works relating to the implementation of the Commission functions;
- h) hear the reports of the Commission Chairman and prepare the relevant proposals for the Member-States of the Agreement;
- d) have specialists and entities of the Member-States of the Agreement as consultants involved in the carrying out of the works relating to the implementation of the Commission's functions;
- e) prepare and submit recommendations on the issues under the Commission competence for consideration of the Governments of the Member-States of the Agreement following the established procedure.

5. Administration of the Commission