

Survey on Copyright Registration and Deposit Systems

QUESTIONNAIRE

A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?

Public institution "The National Center of Intellectual Property" (NCIP).

2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.

20, Kozlova Street, 220034 Minsk, the Republic of Belarus

Tel. (+375 17) 294 36 56

Fax (+375 17) 285 26 05

Open hours: 09.00 – 18.00

3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them

www.belgopatent.org.by

ncip@belgopatent.by

4. Is the copyright registry interconnected to any other copyright data system?

No.

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration

There are no specialized provisions in the legislation of the Republic of Belarus regulating the copyright registration. At the present moment the registration is recognized as a service rendered by the NCIP to the interested parties on the contract basis. Rendering service procedure is governed by the NCIP's internal regulations.

6. What kind of copyright works can be registered/recorded? Is the registration/recordation process different for each type of copyrighted work? Please, describe the differences, if any.

At the present moment only computer programmes can be registered in the NCIP.

7. Can the subject matter of related rights (e.g. performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration/recordation process than for works protected by copyright?

No.

8. Is there a possibility to record the transfer or licensing of copyright/related rights?

No.

9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recordation?

No.

10. What is the legal effect of registration?

Registration does not grant any specific title rights to the applicant and is recognized only as an additional evidence of the copyright occurrence.

11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?

(a) Recognition of creation? – Voluntary;

(b) Transfer of rights? – Voluntary;

(c) Initiation of judicial proceedings? – Voluntary;

(d) Other changes in title/ownership (such as leasing) – Voluntary.

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is local procedure required to validate or otherwise give effect to the foreign registration?

Under the legislation of the Republic of Belarus the copyright emerges without the compliance with any formalities. At the same time, any confirmative documents including copyright registrations can be produced to the Belarusian courts as the evidence of the copyright occurrence.

13. What are the requirements for registration?

(a) What are the mandatory elements of the request for registration/recordation?

The registration is exercised on the basis of the application from the interested parties. Such application must contain the following information: capacity of the applicant (author, right owner, successor, employer in case of a service work), the name of the computer program, year of its creation, name(s) of the author(s) of the computer program if an applicant doesn't belong to this category, description of the computer program, contact details of the applicant;

(b) Does request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?

The request for registration of a computer program is submitted in a specific form of application developed by the NCIP. The aforementioned application may be submitted personally or by post;

(c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?

A copy of the computer program on any material carrier and supplementary documentation with the description of the computer program shall be attached to the application for registration;

(d) Is there registration/recordation fee? If so, how much is the registration/recordation fee?

An applicant must pay 157 627 belarusian rubles (approximately 53 US dollars) for the registration of one computer program. This payment presents cost of the service rendered by the NCIP, but not an official registration fee.

(e) What is the average time taken to complete the registration/recordation process?

The process of registration of one computer program takes one month to the maximum from the date of filing.

14. Are foreigners allowed to register/record their creations? Are people without legal residence in your country allowed to register/record their creations? Is there a different registration/recordation process for domestic as opposed to foreign works or objects of related rights?

Foreigners and people without legal residence in the Republic of Belarus can register computer programs in the NCIP under the same conditions and following the same procedure as established for domestic applicants. Foreigners and people without legal residence in the Republic of Belarus may be represented for the purposes of registration of the computer programmes in the NCIP by representatives appointed in compliance with the legislation of the Republic of Belarus.

15. Are the files stored in digital form?

No.

16. What criteria are followed for classification of the registrations/recordations (including the chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc.)? Is it possible to correct or update relevant information?

Number of a certificate issued, the date of the certificate issue, the name of the computer program, the name of the right holder, the name of the author can be followed for classification of the registrations of the computer programmes in the NCIP. Relevant information in the registrar may be updated and corrected.

17. Does the system have a search facility?

Yes.

18. Is it accessible by the public. Is the search facility available online?

No.

19. Is access granted to the work registered or its copies?

No.

20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?

It is planned to place the general information from the registrar of computer programmes (the number and date of the certificate issue, the name of the computer program, the names of the right holders and authors) on the NCIP's official website.

21. Does your country have legislation dealing specifically with "orphan works", i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.

There are no special provisions in the legislation of the Republic of Belarus dedicated to the "orphan works". As the category with close meaning content can be named "folk works". These works are not recognized as objects of the copyright under the legislation of the Republic of Belarus (article 8 of the Law "On the Copyright and Related Rights" of 16.05.1996).

22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of "orphan works"?

Not applicable.

23. Does the registering/recording body play a relevant role in the legislation or practice dealing with "orphan works"?

Not applicable.

24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?

No.

25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?

The registration of computer programmes is exercised by the public body but it doesn't constitute in itself the public registration system, as long as registration by the NCIP is exercised on the contract basis. There are no provisions in the legislation of the Republic of Belarus preventing other institutions/organizations from providing the same registration services alongside with the NCIP.

26. Please provide statistics on following registrations/recordations:

(a) **Number per statistical period (last five years)** – 164 computer programmes have been registered and granted a certificate of registration since 10.10.2007;

(b) **Number per nationality (last five years)** – Not applicable;

(c) **Number of inquires/requests per statistical period (last five years)** –

2007	14
2008	45
2009	71
2010 to date	43

(d) **Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)** – Not applicable.

B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

Yes, there is a legal deposit system in the Republic of Belarus in relation to the printed works.

28. Please list relevant national legislation regulating the legal deposit.

Law of the Republic of Belarus “On the Librarianship” of 02.05.2008;

Law of the Republic of Belarus “On Mass Media” of 17.07.2008;

Decision of the Council of Ministers of the Republic of Belarus “On Approval of the Regulations of Compulsory Free of Charge Copy of Documents” of 03.09.2008.

29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

It is mandatory for printed works. In the case of non-compliance with the legal deposit requirements administrative proceedings can be instituted.

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

The aim of the legal deposit system is to preserve cultural heritage, collection of statistical information, information of the public on the documents issued on the territory of the Republic of Belarus, organization of public access to the aforementioned documents.

31. Is there any connection or interaction among legal deposit and copyright protection?

No.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

No.

33. What is the object of legal deposit? Please list all types of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-print Material, such as music and audiovisual works, broadcast material).

Printed materials of all kinds (textual, as well as periodical and non-periodical, musical, cartographical and graphic) – documents aimed at circulation of contained information and having passed editorial and publisher’s elaboration, independently got up, having stated imprint, received by printing or stamping;

Editions for the blind and people having serious problems with eyesight – editions providing reading “in Brile”; boldly – graphical editions, “speaking books”, large-print editions for people having serious problems with eyesight;

Combined editions – documents, that contain alongside with the text sound recording on the tape, disk and (or) graphics on other material objects such as slide, tape, floppy disk;

Electronic editions – informational resources having passed editorial and publisher’s elaboration, aimed at circulation in invariable state, having stated imprint, published as a definite number of identical copies on portable data medium;

Unpublished works – dissertations and its copies, reports on research efforts, development projects, engineering projects, deposited scientific researches.

34. Does legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad?

Publishers must deposit a compulsory copy of the issued document within 10 days after its printing, in relation to the newspapers – at the exact day of the printing of the issue. Legal deposit applies to all documents produced and printed on the territory of the Republic of Belarus as well as to the documents produced and printed by residents of the Republic of Belarus abroad.

35. Is there any type or category of material exempted from legal deposit for policy reasons?

Documents that contain state secrets, state topographic maps are exempted from legal deposit.

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please, clarify relevant differences.

No.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or de luxe editions?

One copy of document must be deposited per each depositary.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

All legal entities and individual entrepreneurs exercising publishing or editing activities are subjects responsible for delivering the legal deposit on the territory of the Republic of Belarus.

39. What are the time requirements for legal deposit?

State bodies deposit compulsory copies of the documents as long as they are actual for its current activities. Other entities responsible for acting as the legal depositary provide permanent deposit.

40. Is there a payment or compensation involved in legal deposit? If so, please indicate its amount.

No.

41. What is/are the entity/entities responsible for acting as legal depositary?

Ministry of Information of the Republic of Belarus;

National Book Chamber of the Republic of Belarus;

National Library of the Republic of Belarus;

Presidential Library of the Republic of Belarus;

Central Scientific Library named after Yakub Kolas of the National Academy of Sciences of Belarus;

Belarusian Institute of System Analysis and Information Support for Scientific and Technical Sphere;

Republic Scientific Technical Library.

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

All individuals and legal entities may have free of charge access to the deposited copies of the documents.

43. Do/does the depositary/depositories provide publicly available search facilities? If so, are they accessible on-line?

No.

44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

No.

45. Please, provide statistics on the number of deposits per year for the following items (last five years)

- (a) print material – Not available;
- (b) musical works – Not available;
- (c) audiovisual works – Not available.