

II. QUESTIONNAIRE

A. COPYRIGHT REGISTRATION AND RECORDATION

1. The State Intellectual Property Service of the Kyrgyz Republic (Kyrgyzpatent) is the public body, realizing the unified state policy in the field of intellectual property and traditional knowledge protection on the territory of the Kyrgyz Republic; it administers also the domain zone “KG”. Its activities are accountable to President of the Kyrgyz Republic.
2. 62, Moskovskaya St., 720021, Bishkek city. Tel. +996(312) 68 16 98, fax +996(312) 68 17 03. Work time: Monday-Friday, 8.30 – 17.30.
3. www.patent.kg, www.mir.patent.kg, e-mail: inter@patent.kg
4. No, it is not.
5. The Law of the Kyrgyz Republic “On Copyright and Related Rights”, Article 9, paragraph 4: “Author of a work or other right holder shall be entitled to register his/her work in state registers at any time during the term of validity of copyright protection. The person registered a copyright subject matter shall be granted a certificate of duly form”.
6. According to the Article 7 of the Law “On Copyright and Related Rights” copyright subject matters, registered by Kyrgyzpatent are the following:
 - literature works (works of art, scientific, tutorial, publicistic etc.);
 - dramatic and scenarios;
 - music works with or without text;
 - music dramatic works;
 - choreographic works and pantomime;
 - audio visual works (movies, TV films, video films, slide films and others);
 - radio works;
 - art works (painting, sculpture, graphics and others);
 - arts and crafts;
 - works of architecture, town-planning and landscape architecture;
 - photo works and analogues;
 - geographic, geological maps, plans, outlines and others;
 - software for computers, including applied software and operational systems.

Difference in registration process consists only in get-up of deposit materials. For example: at registration of a literature work a copy shall be provided; at registration of architecture work - a brief text annotation, photos of outlines, a set of photos with characteristics of author’s solution of a subject.

7. The subject matter of related rights also may be registered. There is no difference with registration process of copyright subject matter. However it is necessary to include into application for registration the documents confirming settlement of copyright issues at creation of a related rights subject matter.
8. According to the Article 32 Paragraph 3 of the Law “On Copyright and Related Rights”: “Author’s agreement (on assignation of economic rights) may be registered in Kyrgyzpatent by mutual consent”.

9. In accordance with the Civil Code of the Kyrgyz Republic and the Law of the Kyrgyz Republic “On Mortgage” the rights for intellectual property subject matters, including copyright and related rights subject matters may be subjects of a security interest. According to the abovementioned laws the agreement must be concluded in written. The agreement may be registered, but in cases provided obligations above 25000 soms (about 400 €) the agreement shall be a subject of mandatory state registration.

10. In accordance with the Law of the Kyrgyz Republic “On Copyright and Related Rights” the author’s right for a work arises at creation and does not demand a registration. The person designated as an author at the first publication of a work shall be considered as the author unless otherwise provided by law. The proof of authorship must be realized juridically.

The author of a work or other right holder shall be entitled to register his/her work anytime during term of validity of copyright protection in the State Intellectual Property Service of the Kyrgyz Republic. However any person may be entitled to avoid in court the authorship.

11. According to the Article 6, Paragraph 5 of the Law “On Copyright and Related Rights”:
“For copyright arising it is not obligatory to register a work or to observe any other formalities”.

12. Registration of author’s rights made by public bodies of other countries may be represented in court as a proof. The judge shall evaluate these proofs. At that such registration may be also appealed in court.

When the Kyrgyz Republic has agreements on legal redress, all documents of the parties made or registered within their competence in accordance with a set form shall be accepted on territories of other parties without any special certificate. Official documents of stipulators have the evidential force on both territories.

At absence of agreements with the Kyrgyz Republic on legal redress it is necessary to legalize the document of copyright registration for presenting it to public bodies.

In November 2009 the Kyrgyz Republic joined to the Hague Convention, which cancels the demand to legalize foreign official documents of October 1, 1961; at present time it has not been entered into force in the Kyrgyz Republic.

13. (a) (b) In accordance with the adopted rules, an application for registration of a work is filed with Kyrgyzpatent directly or by mail. An application must contain:
- a. a petition for copyright subject matter registration (approved form, posted on the web-site of Kyrgyzpatent);
 - b. one copy of deposit material.

Documents attached to an application:

- c. certified copy of the document, verifying rights of property, if the right holder is not author;
- d. document certifying registration fee payment in fixed amount;
- e. power of attorney if the application is filed through representative.

(c) A copy of the work must be submitted. It can be submitted in digital form.

(d) There is a registration fee 2000 soms (Kyrgyz currency). Natural persons and not-profit organizations at registration of copyright or related rights subject matters pay fees in amount 10% (200 soms).

(e) Materials of application are examined in Kyrgyzpatent during 15 days. During 10 days after registration day an applicant should be granted a certificate on registration of copyright or related rights subject matter.

14. The following persons are entitled to file an application:
 - a. author or his/her assign, residing in the Kyrgyz Republic independently of citizenship;
 - b. author or his/her assign, citizen of the Kyrgyz Republic, creator and distributor of the work outside the Kyrgyz Republic;
 - c. author or his/her assign – citizen of another state in accordance with international agreements of the Kyrgyz Republic.

There is no difference at registration process for domestic as opposed to foreign works.

15. Registration data are stored in digital form. Kyrgyzpatent possesses a database on registered works.
16. All cited criteria are followed for classification of the registrations. In case of need the database may be corrected.
17. YES. The system has a search facility.
18. No, these data are available only inside of the Office.
19. No, the access to the registered works is not available.
20. NO.
21. No, there is no in Kyrgyzstan a legislation dealing specifically with “orphan works”.
22. NO.
23. NO.
24. Kyrgyzpatent possesses the database on registered works. The database is automated. The information is available for internal use. General information on registrations is published in annual reports, which are available to the public.
25. To prove authorship of a work it is possible to verify juridical with a notary the fact of any document presentation. According to the Law of the Kyrgyz Republic “On Notary”, there is the opportunity to demand storage of document by a notary. Finally the concluded author’s agreement and other confirmed data may serve as proofs, too.
26. (a) Number per statistical period (last five years)

Year	2005	2006	2007	2008	2009
Subject matters	176	119	108	202	219

(b) Number per nationality

Year	2005	2006	2007	2008	2009
Number of subject matters	1	1	1	3	13
Per nationality	The Russian Federation – 1	The Russian Federation – 1	Kazakhstan – 1	The Russian Federation - 1	The Russian Federation -4
				Kazakhstan - 1	Kazakhstan - 1

				Turkey - 1	Tajikistan - 6
					France - 1
					Israel - 1

(c) Number of inquiries/requests for information filed per statistical period – N/A

(d) N/A

B. LEGAL DEPOSIT

27. At present time only the system of copyright subject matters registration functions in our country. The system of deposit of copyright subject matters will be introduced after amendments approval into the Law of the Kyrgyz Republic “On Copyright and Related Rights”.

28-45. N/A