

## QUESTIONNAIRE

### A. COPYRIGHT REGISTRATION AND RECORDATION

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

In compliance with Article 1259 of the Civil Code of the Russian Federation **no registration of work or any other formality** is required for the emergence, execution and protection of copyright. A voluntary registration system of **computer programs and databases** is available for rightholders. The federal executive body conducting such registration is the Federal Service for Intellectual Property, Patents and Trademarks (Rospatent).

**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.**

Federal Service for Intellectual Property, Patents and Trademarks (Rospatent)  
30-1 Berezhkovskaya nab., Moscow, Russian Federation, 123995  
Monday-Thursday: 9.30-18.15  
Friday: 9.30-17.00

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

<http://www.rupto.ru>  
[rospatent@rupto.ru](mailto:rospatent@rupto.ru)

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

The Register of Computer Programs and the Register of Databases are not interconnected to any other copyright data systems.

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

According to para 4.1 of Article 1259 of the Civil Code of the Russian Federation (hereinafter – the Code) **no registration of work or any other formality** is required for the emergence, execution and protection of copyright.

Hence copyright in a work emerges by virtue of its creation and need not be supported by any documents. The rightholder in order to inform of his rights has the right to use the special sign of copyright protection, that should be placed on every copy of the work and consist of three elements: Latin letter “C” in circle, name of the rightholder and the year of the first publication of the work (Article 1271 of the Code). The use of the sign is not mandatory. It is mainly used in order to prevent possible infringements by third parties and to make the process of proving the exclusive rights in courts easier.

Provisions on the registration of computer programs and databases are also contained in a respective Administrative Regulation of Rospatent (adopted by an order of the Ministry of Education and Science of the Russian Federation of October 29, 2008 No. 324).

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

Computer programs and databases. The difference in the procedure of their registration is only in the deposited materials identifying the respective objects.

**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/recording process than for works protected by copyright?**

Possibility of registration of subject matter of related rights is not provided for in the legislation.

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

Para 5 of Article 1262 of the Code provides that contracts on the alienation of exclusive rights in registered computer programs and databases and transfer of such rights to third parties without a contract are subject to registration by the federal executive body in the field of intellectual property (Rospatent).

**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 recording?**

No.

**10. What is the legal effect of registration?**

State registration proves the existence of the computer program or a database in an objective form at a certain date. In compliance with para 6 of Article 1262 of the Code the information included in the Register of Computer Programs and the Register of Databases is deemed to be true unless otherwise proven.

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

- (a) Recognition of creation?
- (b) Transfer of rights?
- (c) Initiation of judicial proceedings?
- (d) Other changes in title/ownership (such as leasing)?

**If your country has a mandatory registration/recordation system, please describe any legal consequences for non-compliance.**

According to para 1 of Article 1262 of the Code the state registration of computer programs and databases is voluntary in all the abovementioned circumstances.

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

See p. 5.

**13. What are the requirements for registration?**

- (a) What are the mandatory elements of the request for registration/recordation?
- (b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?
- (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?

- (d) Is there a registration/recording fee? If so, how much is the registration/recording fee?**
- (e) What is the average time taken to complete the registration/recording process?**

According to para 2 Article 1262 Of the Code the application for the state registration of a computer program or a database must cover only one computer program or a database.

The application must contain:

- a request for state registration indicating the rightholder and the author, unless he refused to be mentioned as such and their residence;
- deposited materials identifying the computer program or a database including an abstract;
- document proving the payment of the fee.

The procedures for completing the application form are contained in the Administrative Regulation. The application may be sent by mail.

The following fees apply:

1. For the consideration of the application
  - legal entities – 720 russian roubles
  - individuals – 270 russian roubles
2. For the entry into the register
  - legal entities – 270 russian roubles
  - individuals – 135 russian roubles
3. For the certificate
  - 180 russian roubles
4. For registration of full transfer of exclusive rights
  - 675 russian roubles
5. For registration of partial transfer of exclusive rights
  - 450 russian roubles

- 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/recording process for domestic as opposed to foreign works or objects of related rights?**

According to para 1 of Article 2 of the Code the rule set out by the civil legislation are applied to relations with participation of foreigners, persons

without citizenship and foreign legal entities unless otherwise provided by a federal law.

**15. Are the files stored in digital form?**

Keeping files related to state registration of computer programs, databases and respective contracts is currently not provided for by the legislation in force.

**16. What criteria are followed for classification of the registrations/recordations (including 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?**

The classification of the registered works is conducted on the basis of a sole criteria - the type of the work mentioned on the application form for the state registration.

**17. Does the system have a search facility?**

The search can be conducted in the information published in the Rospatent's official bulletin "Computer Programs. Databases."

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

The official bulletin "Computer Programs. Databases." is available for public in the Rospatent's patent library. The recent edition of the bulletin is published on the website of Rospatent. Online search is currently unavailable.

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

Public access to deposited materials is not available. The material can be provided to competent authorities upon request.

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

Public is provided with information in the official bulletin "Computer Programs. Databases."

**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.**

No.

**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”?**

No.

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

N/A

**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?**

N/A

**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?**

No.

**26. Please provide statistics on following registrations/recordations:**

- (a) Number per statistical period (last five years)**
- (b) Number per nationality (last five years)**
- (c) Number of inquiries/requests for information filed per statistical period (last five years).**
- (d) Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)**

Number of registered computer programs and databases  
for the period of 2005 - 2009

	<b>2005 Total/ Foreign</b>	<b>2006 Total/ Foreign</b>	<b>2007 Total/ Foreign</b>	<b>2008 Total/ Foreign</b>	<b>2009 Total/ Foreign</b>	<b>Total/ Foreign</b>
Computer programs	3282/38	4422/115	5308/152	6086/49	7057/240	313.35/594
Databases	327/11	389/2	426/4	441/0	609/1	939.73/18
Total	2121.1/49	2238.95/117	2148.42/156	2132.2/49	2647.4/241	52.73/612

Number of applications for registration of computer programs and databases for the period of 2005 - 2009

	<b>2005 Total/ Foreign</b>	<b>2006 Total/ Foreign</b>	<b>2007 Total/ Foreign</b>	<b>2008 Total/ Foreign</b>	<b>2009 Total/ Foreign</b>	<b>Total/ Foreign</b>
Computer programs	3501/53	4611/127	5460/133	6310/47	7629/244	308.94/604
Databases	333/7	435/2	465/4	455/0	701/3	614.99/16
Total	2118.63/60	2259.81/129	2164.3/137	2142.26/47	2273.93/247	38.95/620

## **B. LEGAL DEPOSIT**

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

Yes.

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

Federal Law of 29 December 1994 No. 77-FL “On the Legal Deposit Copy” (hereinafter – the Law).

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

The legal deposit system in the Russian Federation is mandatory. Administrative liability is foreseen for non-compliance with the legal requirements.

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

- Acquisition of a full national library and information fund of the documents of the Russian Federation as a part of the world cultural heritage.
- Conduction of state bibliographic record keeping.
- Informing the public on the received documents of all types.
- Provision of library services to the public.
- etc.

(Article 4 of the Law).

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

Yes.

**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.**

Article 20 of the Law provides for making copies of deposited works in compliance with the civil legislation.

**33. What is the object of legal deposit? Please list all types or categories 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).**

Article 5 of the Law provides for legal deposit of:

- print materials (text, notes, maps, artistic);
- materials for the blind or partially-sighted;
- official documents;
- audiovisual production;
- electronic editions;
- non-published documents;
- patent documents;
- computer programs and databases;
- standards;
- combined documents.

**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?**



N/A

Yes.

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

The Law does not cover documents containing personal or family secrets, state, service or commercial secrets, documents created in one copy, archive documents, electronic documents distributed solely in the net, management and technical documentation.

**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.**

See p. 35.

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

16 copies of books, magazines, etc. in Russian;  
 7 copies of artistic editions or music notes, geographic maps and atlases in Russian;  
 9 copies of central newspapers and newspapers of the subjects of the Russian Federation in Russian;  
 3 copies of municipal newspapers and advertisement editions in Russian;  
 4 copies of print materials in the languages of the people of the Russian Federation and foreign languages;  
 3 copies of newspapers in the languages of the people of the Russian Federation;  
 4 copies of text one-paper editions;  
 9 copies of the authors' abstracts of dissertations,  
 10 copies of standards;  
 2 copies of documents for the blind or partially-sighted;  
 1 copy of non-published documents.

(Articles 7,8,9,10,11,12,13,14.1 of the Law).

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

The producers of the documents.

**39. What are the time requirements for legal deposit?**

The general rule is the legal deposit on the day of first publication. Specific timeframe, however, is provided for certain types of documents.

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

No. the copies are transferred by the producers without any compensation.

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

The Law provides for the following entities responsible for the receipt and storage of legal deposit copies depending on their types:

- the Russian book chamber,
- the State fund of television and radio programs,
- the State fund of cinema,
- the Russian archive of cinema and photo documents,
- the Presidents library named after Boris Yeltsin,
- the Federal institute of industrial property,
- the Scientific and technical center “Informregister”,
- the Russian state library for the blind,
- the Russian scientific and technical center of information on standardization, metrology and compliance,
- the Russian state library,
- the Parliament library of the Russian Federation,
- the Scientific and technical institute “Integral”,
- etc.

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

Deposited materials are available to general public at the respective libraries in compliance with their rules and procedures.

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

Yes.

**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?**

Yes.

**45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.**

Not available.