



WIPO-BCC 27th Advanced Training Seminar on Copyright and Related Rights

Country Report

KYRGYZ REPUBLIC

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COUNTRY REPORT

1. Name of country – The Kyrgyz Republic

2. Copyright and related rights legislation:

- The Constitution of the Kyrgyz Republic (Article 49 of the Constitution guarantees the freedom of literary, artistic and scientific creativity, as well as the protection of intellectual property)
- Civil Code of the Kyrgyz Republic (Part II, chapters 54 “Copyright” and 55 "Related Rights")
- Criminal Code of the Kyrgyz Republic (Article 150 “Violation of Copyright, Related Rights and Rights of Patent Owners” entered into force on January 1, 2019)
- Law of the Kyrgyz Republic On Copyright and Related Rights of January 14, 1998
- Law on the Legal Protection of Computer Programs and Databases of March 30, 1998.

3. Membership of Conventions, Treaties and Agreements:

- WIPO Convention (25.12.1991)
- Berne Convention for the Protection of Literary and Artistic Works
- Agreement on Trade-Related Aspects of Intellectual Property Rights
- WIPO Copyright Treaty (WCT)
- WIPO Performances and Phonograms Treaty
- Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms
 - Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
 - Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled

4. Name of the Government Department(s) of your country responsible for laws on copyright and related rights: State Service of Intellectual Property and Innovation under the Government of the Kyrgyz Republic (Kyrgyzpatent).

5. Names of collective management organisations representing or administering the rights of owners of copyright or related rights in your country, the rights which they manage or license and the types of right holders they represent. If possible provide links to their websites.

Public organization for collective management of property rights of authors and copyright holders has not been established yet in the territory of the Kyrgyz Republic. In accordance with the Law of the Kyrgyz Republic “On Copyright and Related Rights”, Kyrgyzpatent performs the functions of an organization for collective management of the property rights of authors and copyright holders; creates legal conditions for the development of creativity in the field of science, literature and art; exercises rights of authors and owners of related rights, including the right to appeal to the court; concludes contracts for the use of copyright; collects, distributes and remunerates royalties (royalties) to the authors and right holders.

National authors and right holders have transferred directly to Kyrgyzpatent their property rights on the basis of written agreements. The rights of foreign authors are managed in accordance with agreements concluded with foreign CMOs that manage property rights of authors on a collective basis.

Pursuant to Law on Copyright and Related Rights, CMO can be established to manage the following categories of rights:

1) managing exclusive rights to published musical works (with or without text) and excerpts of musical and dramatic works in relation to their public performance, broadcasting or cablecasting, including by means of rebroadcasting;

2) exercising rights of composers who are authors of musical works (with or without text) used in an audiovisual work, to receive remuneration for public performance or broadcasting, cablecasting of such an audiovisual work;

3) managing right to follow in relation to a work of art;

4) exercising rights of authors, performers, producers of phonograms and audiovisual works to receive remuneration for the reproduction of phonograms and audiovisual works for personal purposes;

5) exercising rights of performers to receive remuneration for public performance, as well as for broadcasting or cablecasting of phonograms published for commercial purposes;

6) exercising rights of phonogram producers to receive remuneration for public performance, as well as for broadcasting or cablecasting of phonograms published for commercial purposes.

It should be noted that in practice Kyrgyzpatent manages the following categories of rights:

1) managing exclusive rights to published musical works (with or without text) and excerpts of musical and dramatic works in relation to their public performance, broadcasting or cablecasting, including by means of rebroadcasting;

2) exercising rights of composers who are authors of musical works (with or without text) used in an audiovisual work, to receive remuneration for public performance or broadcasting or cable of such an audiovisual work;

5) exercising rights of performers to receive remuneration for public performance, as well as for broadcasting or cablecasting of phonograms published for commercial purposes.

Kyrgyzpatent website www.patent.kg