

UNESCO
WORLD ANTI PIRACY OBSERVATORY

RUSSIAN FEDERATION

I. LEGISLATION	2
1. Copyright laws	3
2. Other laws	3
3. Latest developments and perspectives	3
4. Summary of legislation	3
5. International Convention and Treaties	10
II. MEASURES AND REMEDIES	11
1. Copyright infringement	11
2. Remedies to protect copyright holders	11
3. Provisional measures	11
4. Penalties for copyright infringement	11
5. Requirements for foreign persons	11
III. ENFORCEMENT	12
1. Enforcement authorities	12
2. Enforcement at the border	12
IV. PUBLIC AWARENESS	13
1. Awareness campaigns and actions	13
2. Promotion of legal exploitation	13
3. Associations and organizations with awareness-raising purpose	13
4. Best practices	13
V. CAPACITY-BUILDING	14
1. Training	14

2.	Establishment of specialized units and intersectoral group	14
3.	Best practices	14
VI.	OTHER	14
1.	TPM/DRM	14
2.	Licensing schemes	14
3.	Optical discs	14
4.	Hotlines	15
5.	Contact details	15

I. Legislation

1. Copyright laws

The Civil Code of the Russian Federation (Part 4), part of which governs matters of copyright, has been in force in Russia since 1 January 2008.

2. Other laws

Liability for copyright infringement is determined in the following standard-setting instruments:

1. The Civil Code of the Russian Federation (Part 4), adopted on 24 November 2006 and in force since 1 January 2008;
2. The Criminal Code of the Russian Federation adopted on 13 June 1996; and
3. The Code of Administrative Offences of the Russian Federation adopted on 30 December 2001.

3. Latest developments and perspectives

4. Summary of legislation

Exclusive Rights of the authors

Under Article 1270 of the Civil Code of the Russian Federation, authors have the exclusive right to use their works in any lawful way. The following, in particular, are deemed to be uses of works regardless of whether or not such action is undertaken for profit:

- (1) reproduction of a work, i.e. making one or more copies of a work or of part of a work in any physical form, including as an audio or video recording, the creation in three dimensions of one or more copies of a two-dimensional work or the creation in two dimensions of one or more copies of a three-dimensional work. The recording of a work on an electronic medium, including recording in computer memory, is also deemed to be reproduction, except where such recording is temporary and is an essential and material part of a technological process which has as its sole purpose the lawful use of the recording or the lawful placing of the work in the public domain;
- (2) distribution of a work by sale or other alienation of the original or of copies;
- (3) public display of a work, i.e. any display of the original or of copies of the work directly or on screen using film, transparencies, television frames or other technological media, and also the non-sequential display of individual frames of an audiovisual work, directly or using technological media, in a freely accessible place, or in a place frequented by a significant number of persons not belonging to the usual family circle, regardless of whether the work is accessed in the place where it is displayed or in another place simultaneously with the displaying of the work;

- (4) importation of the original or copies of a work for purposes of distribution;
- (5) leasing of the original or copies of a work;
- (6) public performance of a work, i.e. the presentation of a work either in live performance or using technological media (radio, television or other media), and also the display of an audiovisual work (with or without audio accompaniment) in a freely accessible place or a place frequented by a significant number of persons not belonging to the usual family circle, regardless of whether the work is accessed in the place where it is performed or displayed or in another place simultaneously with the performance or displaying of the work;
- (7) transmission on the air, i.e. transmission of a work to the public (including display or performance) by radio or television (including by relay) with the exception of transmission by cable. In this context “transmission” means any action through which the work becomes available for consumption by hearing and/or sight regardless of whether it is in fact consumed by the public. In the case of transmission on the air of a work via satellite, transmission on the air means reception by a satellite of signals from a ground station and the transmission of signals from the satellite by which the work may be made available to the public regardless of whether it is in fact received by the public. Transmission of encrypted signals is deemed to be transmission on the air if decrypting capability is made available to an unlimited circle of persons by or with the consent of the broadcasting organization;
- (8) transmission via cable, i.e. transmission of a work to the public domain by radio or television using cable, wire, optical fibre or similar methods (including by relay). Transmission of encrypted signals is deemed to be transmission via cable if decrypting capability is made available to an unlimited circle of persons by a cable broadcasting organization or with its consent;
- (9) translation or other reworking of the work. In this context reworking of a work means the creation of a derivative work (adaptation, screening, arranging, adapting for stage and so on). Reworking (modification) of a computer program or database means any changes to them, including translation of such program or database from one language to another; with the exception of an adaptation, i.e. the making of changes solely for the purpose of operating the program or database on the user’s specific technologies or under the control of the user’s specific programs;
- (10) practical implementation of an architectural, design, civil engineering or landscaping project; and
- (11) placing a work in the public domain in such a way that any person may at will gain access to the work from any place and at any time (placing in the public domain).

Exclusive right of the owners of neighbouring rights

Under Article 1315 of the Civil Code, the performer has:

- (1) the exclusive right to the performance;
- (2) the author’s right: the right to be acknowledged as the author of the performance;

- (3) the right to be named: the right for the performer's name or pseudonym to be displayed on copies of sound recordings and in other instances of use of a performance, and also in circumstances determined by the Civil Code the right to display the name of a group of performers, except where the nature of the use of the work prevents the name of the performer or group of performers from being displayed; and
- (4) the right to inviolability of the performance: the right to protect the performance against any distortion, i.e. against the introduction into the recording or transmission on the air or by cable of changes that cause a distortion of the meaning or a violation of the integrity of perception of the performance.

Under Article 1323 of the Civil Code, the producer of a sound recording has:

- (1) the exclusive right to the sound recording;
- (2) the right to display the producer's name or designation on copies of the sound recording and/or on his packaging;
- (3) the right to protection of the sound recording against distortions in use; and
- (4) the right to publish the sound recording, i.e. to implement actions which initially make the recording accessible in the public domain through its publishing, public display, public performance, transmission on the air or via cable or any other means. In this context, publication (releasing to the public) is the placing in circulation of copies of a sound recording with the consent of the producer in a quantity sufficient to satisfy the public's reasonable requirement.

Under Article 1330 of the Civil Code, a broadcasting or cable organization owns the exclusive right to use broadcasts which it is lawfully transmitting or has lawfully transmitted on the air or via cable by any lawful methods (the exclusive right to transmit radio or television broadcasts). A broadcasting or cable organization may avail itself of the exclusive right to transmit radio or television broadcasts.

The following are deemed to be the uses for transmission of a radio or television broadcast (a broadcast):

- (1) the recording of a radio or television broadcast, i.e. the recording of the sounds and (or) the pictures or their representation using technological methods in any physical form that allows their repeated access, reproduction or transmission;
- (2) the reproduction of a recording of a radio or television broadcast, i.e. the production of one or more copies of the recording of the radio or television broadcast or of part of it. In this context the recording of a radio or television broadcast on an electronic medium, including recording in computer memory, is also deemed to be a reproduction, except where the recording is temporary and comprises an essential and material part of a technological process solely aimed at the lawful use of the recording or lawful placing of the radio or television broadcast in the public domain;
- (3) the distribution of a radio or television broadcast by sale or any other alienation of the original or copies of a recording of the radio or television broadcast;

- (4) relaying, i.e. transmission on the air (including by satellite) or by cable of a radio or television broadcast by one broadcasting or cable organization simultaneously with its reception of that broadcast from another such organization;
- (5) the placing of a radio or television broadcast in the public domain in such a way that any person may at will access the transmission of the radio or television broadcast from any place and at any time (placing in the public domain); and
- (6) public performance, i.e. any performance of a radio or television broadcast using technological methods in places having admission fees regardless of whether it is accessed in the place of performance or in another place simultaneously with the performance.

- *Exceptions and limitations to copyright*

The Civil Code determines a number of cases in which free use may be made of works.

Under Article 1273, free reproduction of works is permissible for personal use. Citizens may for, purely personal purposes, copy a lawfully published work without the consent of the author or other rights holder and without remuneration, except:

- (1) copying of architectural works in the form of buildings or similar structures;
- (2) copying of databases or substantial parts thereof;
- (3) copying of computer programs, except as determined by the Civil Code;
- (4) copying (in full) of musical scores;
- (5) video recording of an audiovisual work during a public performance in a freely accessible place or a place frequented by a significant number of persons not belonging to the usual family circle; and
- (6) copying of an audiovisual work using professional equipment not intended for use in domestic circumstances.

Under Article 1274, free use of works for purposes of information, science, education or culture is permitted without the consent of the author or other rights holder and without remuneration, but with mandatory reference to the name of the author whose work is used and to the source of the loan:

- (1) to quote a lawfully published work in the original or in translation for scientific, polemic, critical or informational purposes to the extent required by the purpose of the quotation, including the reproduction of excerpts from newspaper and magazine articles as part of press reviews;
- (2) to use lawfully published works or excerpts as illustrations in publications, in radio and television broadcasts and in audio and video recordings of an educational nature to the extent required by the purpose adopted;

- (3) to reproduce in the press or to transmit on the air or by cable lawfully published newspaper or magazine articles on current economic, political, social or religious matters or works of a similar nature broadcast on the air in cases where such reproduction or transmission has not been specifically forbidden by the author or other rights holder;
- (4) to reproduce in the press or transmit to air or by cable publicly made political speeches, addresses, reports and other such works to the extent required by the informational purpose. The authors of such works retain the right to publish them in collections;
- (5) to reproduce or to place in the public domain in reviews of current events, using photography, cinematography or transmission on the air or via cable, works that will be seen or heard during such events to the extent required for the purposes of information; and
- (6) to reproduce for non-profitable purposes, using Braille or other special methods for the blind, lawfully published works other than works specially created for reproduction by such methods.

Where a library provides for temporary unpaid use, copies of works lawfully put into public circulation, such use is permissible without the consent of the author or other rights holder and without remuneration. In this context, digital editions of works provided by libraries for temporary unpaid use, including the reciprocal use of library resources, may be provided only on the library premises in circumstances which exclude the possibility of making digital copies of those works.

The creation of works in the form of literary, musical or other parody, or of a caricature based on another (original) lawfully published work and the use of that parody or caricature is permissible without the consent of the author or other holder of exclusive rights to the original work and without remuneration to them.

Under Article 1275, free use of a work by reproduction is permitted when reproducing in a single copy and not for profit without the consent of the author or other rights holder and without remuneration, but with an obligatory indication of the name of the author whose work is used and of the source of the loan:

- (1) a lawfully published work – by libraries and archives for restoration, to replace lost or damaged copies of the work and to provide copies of the work to other libraries which have lost it for whatever reason from their stocks; and
- (2) individual articles and small-scale works lawfully published in collections, newspapers or other periodic publications, and short excerpts from lawfully published written works (whether with or without illustrations) – by libraries and archives at the request of citizens for use for educational or scientific purposes, and also by educational establishments for use in lecture halls.

Reproduction (reprographic copying) means the facsimile copying of works using any technological methods, for purposes other than publication. Reproduction does not include the copying of a work or storage of copies thereof in electronic (including digital), optical or other machine-readable format, except where technological methods are used to make temporary copies for use in reproduction.

Under Article 1276, free use of a work kept permanently in a freely accessible place is permissible, without the consent of the author or other rights holder and without remuneration, including copying or to transmitting on the air or via cable, a photographic work, an architectural work or a work of depictive art that is kept permanently in a freely accessible place, except where the representation of the work by such means is the primary purpose of the copying or transmission on the air or via cable, or where the representation of the work is used for commercial purposes.

Under Article 1277, free public performance of a musical work is permissible, without the consent of the author or other rights holder and without remuneration, including a musical work during an official or religious ceremony or funeral to the extent justified by the nature of such ceremony.

Under Article 1278, free copying of a work for purposes of law enforcement is permissible, without the consent of the author or other rights holder and without remuneration, including copying a work for use in bringing a charge of administrative infringement, in making preliminary administrative inquiries, preliminary investigations or bringing court proceedings to the extent required for that purpose.

Under Article 1279, a broadcasting organization is entitled, without the consent of the author or other rights holder and without supplementary remuneration, to make a recording for purposes of short-term use of a work which the organization has obtained the right to transmit on the air, provided that the broadcasting organization makes the recording on its own equipment and for its own broadcasts. The organization is obliged to destroy such a recording within six months of its production, unless a longer term is agreed with the rights holder or is established by law. The recording may be stored without the consent of the rights holder in state or municipal archives if it is purely documentary in nature.

Under Article 1280, a person lawfully possessing a copy of a computer program or a copy of a database (a user) is entitled, without the permission of the author or other rights holder and without supplementary remuneration:

- (1) to make changes to the computer program or database purely for purposes of operating them on the user's technological equipment and to undertake actions needed for the operation of such programs or databases in accordance with their purpose, including recording and storage in computer memory (on a single computer or a single user's network), and also to make corrections to obvious defects unless otherwise provided by the agreement with the rights holder; and
- (2) to make a copy of the computer program or database provided that this copy is intended purely for archival purposes or to replace the lawfully acquired copy should that copy be lost, destroyed or become unfit for use. The copy of the computer program or database may not be used for purposes other than those defined in sub-paragraph (1) of paragraph 1 of this article, and must be destroyed if possession of a copy of the program or database ceases to be lawful.

A person lawfully possessing a copy of a computer program is entitled, without the consent of the rights holder and without supplementary remuneration to study, research or test the operation of that program for the purpose of ascertaining the ideas and principles underlying any element of the computer program, by taking actions envisaged in sub-paragraph (1) of paragraph 1 of this article.

A person lawfully possessing a copy of a computer program is entitled, without the consent of the rights holder and without supplementary remuneration, to copy and change the object code in the source text (to decompile the computer program) or to ask other persons to perform these actions, if they are essential to achieving interoperability between a computer program independently developed by that person and other programs which may interact with the decompiled program, provided:

- (1) the information needed to achieve interoperability was not previously available to the person from other sources;
- (2) the said actions are undertaken only with regard to those parts of the decompiled program that are essential to achieving interoperability;
- (3) the information obtained through decompilation can be used only to achieve interoperability between the independently developed computer program and other programs, and may not be passed to other persons, except where that is essential to achieve interoperability between the independently developed computer program and other programs, and also may not be used in the development of a computer program that appears substantially similar to the decompiled computer program, or for other actions that violate the exclusive rights in the computer program; and
- (4) the application of the provisions of this article must not unjustifiably impair the normal use of a computer program or database and must not unduly damage the legitimate interests of the author or other rights holder.

- *Protection of foreign works*

In accordance with the standards of national legislation and of the Berne Convention for the Protection of Literary and Artistic Works, a single legal system is in force for the protection of both national and foreign authors: they are protected by the standards of the Civil Code.

- *Period of copyright protection*

Under Article 1281 of the Civil Code, the exclusive right in a work remains in force throughout the author's life and for 70 years from 1 January of the year following the author's death. The exclusive right in a work created in co-authorship remains in force throughout the life of the last surviving author and for 70 years from 1 January of the year following his/her death.

The exclusive right in a work published anonymously or under a pseudonym expires 70 years from 1 January following the year of its lawful publication. If in the course of that term the author of a work published anonymously or under a pseudonym reveals his or her identity, or if that identity is no longer in doubt, exclusive rights will remain in force for the term established under paragraph 1 of this article.

The exclusive right in a work published posthumously remains in force for 70 years after the publication of the work, commencing on 1 January of the year following publication, provided that the work was published within 70 years of the author's death.

If the author of the work was repressed and posthumously rehabilitated, the term of validity of exclusive right is extended, and the 70 years commence on 1 January of the year following the rehabilitation of the author of the work.

If the author worked during or took part in the Great Patriotic War (Soviet term for “Second World War”), the term of validity of the exclusive right established under this article is increased by four years.

- *Registration*

Under current Russian legislation, registration of a work is not required.

5. International Conventions and Treaties

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- Universal Copyright Convention
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#)
- WIPO Copyright Treaty (WCT)
- WIPO Performances and Phonograms Treaty (WPPT)

II. Measures and Remedies

1. Copyright infringement

Article 1301 of the Civil Code stipulates that in cases of infringement of the exclusive right in a work, the rights holder is entitled to defend it by the means established by the law. The Civil Code contains no specific definition of rights infringement.

2. Remedies to protect copyright holders

In case of rights infringement, the rights holder is entitled to approach the infringer to seek a “peaceful” settlement of the conflict. Should it not prove possible to settle the dispute “peacefully”, the holder may bring an action in the civil courts for compensation for the rights infringed. A request may be made for confiscation of illegal copies of works. Furthermore, the plaintiff may plead for the court to adopt protective measures (e.g. forbidding the respondent to market media produced without the consent of the rights holder pending a hearing of the substantive case). At the court’s discretion, materials and equipment used or intended for producing or copying them may be impounded.

The Criminal Code contains provisions for criminal punishment for the unlawful use of works protected by author’s rights or allied rights, and also for acquiring, keeping or transporting illegal copies of works or sound recordings for sales purposes. The sentence depends on the gravity of the offence, and ranges from a fine of up to 200,000 roubles to imprisonment for up to six years with or without a fine of up to 500,000 roubles or in proportion to the guilty party’s earnings or other income for a period of up to three years.

3. Provisional measures

Information not available

4. Penalties for copyright infringement

In accordance with the standards of the Civil Code, the rights holder is entitled to seek from the infringer compensation ranging from 10,000 to 5,000,000 roubles. The Civil Code also provides for other methods, but the most usual form of rights protection is to seek compensation.

The Civil Code allows for publication of the offense, and accordingly, if such a condition is contained in the court’s ruling, the respondent must comply with it.

Plaintiffs can win attorney’s fees and infringer’s profits if a request is made by the plaintiff and agreed to by the court.

5. Requirements for foreign persons

Information not available

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

In accordance with the Regulation adopted by the Government of the Russian Federation, the Ministry of Culture of the Russian Federation is responsible for formulating state policy in respect of author's rights and neighbouring rights. Collective rights management organizations are supervised by the Federal Service for Supervision of Compliance with Legislation for Protection of the Cultural Heritage.

The law enforcement agencies and state prosecutor's offices may, within their spheres of competence, involve themselves in such matters.

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

No entitlement.

c) Courts dealing with copyright cases

There are no special courts in Russia. Civil and criminal cases are considered by the various judicial bodies in the general district, city and regional courts.

2. Enforcement at the border

The Federal Customs Service of the Russian Federation deals with matters relating to protection of intellectual property, but this chiefly relates to trademark and patent matters.

The Customs authorities take steps to halt the release of apparently counterfeit goods on the basis of a written statement by the rights holder or his or her representative. Such steps are taken when the goods are moved across the border or other action is taken in respect of goods under customs supervision. The Customs authorities take these steps regardless of the stated customs regime or other customs procedure under which the goods are placed. Steps taken by the Customs authorities to halt the release of apparently counterfeit goods do not prevent the rights holder from resorting to any other methods of defending his or her rights under Russian Federation legislation. The rights holder or his or her representative, having adequate grounds to suppose that a rights infringement may be committed under Russian Federation legislation through the movement of goods across the customs frontier or through other actions in respect of goods under customs supervision, is entitled to submit a request for steps to halt the release of such goods.

The duration of a time limit for suspension of goods by authorities is established by the customs authorities, and is not prescribed in law. Rights holders and infringers are also notified in a timely fashion of the suspension of the release of goods by customs authorities.

The law provides for a de minimis import exception.

IV. Public Awareness

1. Awareness campaigns and actions

Information not available

2. Promotion of legal exploitation

Information not available

3. Associations and organizations with awareness-raising purpose

Information not available

4. Best practices

In the course of a year, the general and arbitration courts of the Russian Federation examine a considerable number of cases relating to infringement of author's rights. The Russian Society of Authors (RAO), as an organization established by authors to manage their property rights on a collective basis, brings around 450 court cases yearly relating to instances of authors' works being used without the consent of RAO. The respondents include television and radio broadcasting companies, theatres, bars, cafes, restaurants, etc. Almost all cases end in a verdict in favour of the authors, and in those cases in which, for whatever reason, the courts of first instance find against the authors, higher courts correct the mistake.

Case brought by RAO against the Alexander Land shopping centre:

On 9 December 2006, works by RAO-listed authors were publicly performed at the Alexander Land shopping centre using technical resources (a music centre and loudspeakers in the decorative panels of the centre's ceiling). This was established by a listening check carried out at the shopping centre. No licensing agreement had been reached with RAO, and no remuneration was paid to the authors. Representatives of the shopping centre declined to settle the conflict "peacefully", and so RAO drew up and lodged at court a claim for compensation for infringement of author's rights.

In response to the claim, the respondent indicated that with a view to emergencies, fire safety, and law and order enforcement, the shopping centre was equipped with a rapid warning and public address system, which included several kinds of loudspeakers located in common areas. The respondent argued that the presence of an information system in a shopping centre could not be considered as confirmation of an infringement, since such systems were compulsory in shopping centres.

In the course of the hearing the RAO representative (an inspector) who had carried out the listening check was questioned as a witness. In addition to a recording of the listening check, a receipt for goods purchased at the shopping centre that day was produced.

The court ruled that the respondent should pay 250,000 roubles in compensation for rights infringement. The ruling came into legal force and has been implemented in full.

V. Capacity-Building

1. Training

There are no specialized training establishments, but special lectures, seminars and work experience programmes are held as part of training, for specialists.

2. Establishment of specialized units and intersectoral group

The authorities mentioned have set up special units.

There is also a special government commission to combat violations of intellectual property and to ensure its legal protection and use.

3. Best practices

Information not available

VI. Other

1. TPM/DRM

In accordance with Article 1299, any technologies, technical devices or components which control access to a work and which prevent or limit actions that are not permitted by the author or other rights holder are deemed to be Technological Protection Measures for author's rights.

The following are not permitted:

- (1) action without the consent of the author or other rights holder to remove restrictions on the use of a work imposed through Technological Measures to protect author's rights; and
- (2) production, distribution, leasing, supplying for temporary free use, import or advertising of any technologies or technical devices or any component thereof, or the use of such technical devices for purposes of obtaining profit, or provision of corresponding services, if such actions invalidate the use of Technological Measures to protect authors' rights or make those Technological Measures unable to ensure the proper protection of those rights.

In case of infringement of the provisions contained above, the author or other rights holder is entitled to demand at his or her discretion that the infringer to pay compensation, except where the Code permits use of the work without the consent of the author or other rights holder.

2. Licensing schemes

Information not available

3. Optical discs

Information not available

4. Hotlines

Information not available

5. Contact details

[The Russian Federation Government](http://www.gov.ru) – www.gov.ru

RAPO (the Russian Anti-Piracy Organization) – www.moscow@rapo.ru

[RAO \(the Russian Society of Authors\)](http://www.rao.ru) – www.rao.ru