

PART IV. COPYRIGHT

Article 475. Works subject to copyright

Works of science, literature or art, regardless of their form, purpose or value, or of the manner in which they are reproduced, are subject to copyright.

If works are expressed in some objective form which permits reproduction of the result of the author's creative activity (manuscript, drawing, picture, public recital or performance, film, mechanical or magnetic recording, etc.), they are subject to copyright whether they are published or unpublished.

The following may be objects of copyright:

- verbal works (speeches, lectures, reports, etc.);
- written works (literary, scientific, etc.);
- dramatic and musical-dramatic works, as well as musical works with or without text;
- translations;
- scenarios and scenario plans;
- motion-picture and television films, and radio and television transmissions;
- works of choreography and pantomime, the staging of which has been recorded in written or other form;
- paintings, pieces of sculpture, architectural drawings, graphics, decorative art, illustrations, sketches and drawings;
- plans, outlines and models related to science or technology or to the staging of dramatic or musical-dramatic works;
- geographical, geological and similar maps;
- photographic works, and works created through means analogous to photography;
- phonograph records and other types of technical recordings of works;
- other works.

Copyright applies to photographic works and works obtained through means analogous to photography if each copy of such a work indicates the name of the author and the place and year of publication.

Article 476. Published works

A work is considered "published" if it is printed, publicly performed, publicly shown, transmitted by radio or television, or communicated in some manner to an indefinite public.

Information about a work, with a summary of its contents, is not considered publication of the work, nor is the reproduction of a

manuscript in those cases specified by decrees of the Council of Ministers of the RSFSR.

Article 477. Copyright on works published within the territory of the USSR

The author and his heirs, regardless of their citizenship, are deemed to have a copyright on any work published for the first time within the territory of the USSR or unpublished but located within the territory of the USSR in some objective form.

Article 478. Copyright on works published abroad

An author and his heirs, if they are citizens of the RSFSR or of the other Union Republics, are deemed to have a copyright on works published for the first time or located in some objective form within the territory of a foreign state.

Other persons are deemed to have a copyright on a work published for the first time or located in some objective form within the territory of a foreign state only on the basis and within the limits of applicable international agreements concluded by the USSR.

Article 479. Rights of an author

An author has a right:

to publish, reproduce and circulate his work by all means which the law permits either under his own name, under an assumed name (pseudonym) or without an indication of his name (anonymously);

to the integrity of his work;

to receive remuneration for the use of his work by other persons, except in cases specified in the law.

The rates of an author's remuneration are established by the Council of Ministers of the RSFSR, except in cases in which legislation of the USSR places approval of such rates under the jurisdiction of the USSR.

In the absence of approved rates of authors' remuneration, the amount of remuneration paid to an author for the use of his work is determined by agreement of the parties.

Article 480. Protection of the integrity of works and of the name of an author during his lifetime

In the publication, public performance or other use of a work, any changes in the work itself, in its title or in the designation of the name of the author are prohibited without the author's consent.

Any publication of his work with illustrations, prefaces, appendices, commentaries or any other sort of explanatory material is likewise prohibited without the author's consent.

Article 481. Protection of the integrity of works of an author after his death

An author may, in the same manner in which the executor of a will is named (Article 544), designate a person to whom he entrusts the protection of the integrity of his works after his death. This person exercises his powers for life.

In the absence of such a designation, protection of the integrity of the works of an author after his death is carried out by his heirs, as well as by the organizations to which the protection of authors' rights has been entrusted. These organizations likewise exercise protection of the integrity of an author's works if there are no heirs or if the heirs' copyright has expired (Article 496).

Article 482. Co-authorship

The copyright on a work produced by the joint labor of two or more persons (a collective work) belongs to the co-authors jointly, regardless of whether such work forms an integral whole or consists of parts which have independent significance.

Each co-author retains his copyright on that part of a collective work created by him which has independent significance.

A part of a collective work is considered to have independent significance if it may be used independently of the other parts of the work.

Relationships between co-authors may be determined by their agreement. In the absence of such agreement, the copyright on a collective work is exercised jointly by all of the co-authors, and remuneration is distributed among them in the manner provided by legislation of the USSR and by decrees of the Council of Ministers of the RSFSR.

Article 483. Copyright on a work created in the course of performing an official task

The author of a work which has been created in the course of employment in a scientific or other type of organization has a copyright on such work.

The manner of utilization by the organization of such a work and the cases in which compensation is paid to the author are prescribed by legislation of the USSR and by decrees of the Council of Ministers of the RSFSR.

Article 484. Copyrights belonging to legal persons

A legal person is recognized as having a copyright in cases and within the limits established by legislation of the USSR and by this Code.

Article 485. Copyright of an organization on periodicals and other publications

Organizations which independently or through any publishing house publish scientific collections of materials, encyclopedic dictionaries, journals or other periodical literature have a copyright on such publications as a whole.

The authors of works included in such publications have copyrights on their work.

Article 486. Copyright on motion-picture and television films, and radio and television transmissions

The copyright on a motion-picture or television film belongs to the enterprise which has made the film.

The copyright on an amateur motion-picture or television film belongs to its author or co-authors.

The author of the scenario, the composer, the director, the chief cameraman, the artistic director and the author of other creations which constitute component parts of a motion-picture or television film each has a copyright on his own work.

The copyright on a radio or television transmission belongs to the transmitting radio or television organization, while the copyrights on the works included in the transmission belong to the authors of such works.

Article 487. Copyright of the compiler of a collection

The copyright on a collection of works which are not themselves objects of copyright, such as laws, judicial decisions, other official documents, folk works of unknown authorship, and ancient writings, as well as other works which are not protected by copyright, belongs to the compiler of the collection, if he has subjected the material included in the collection to independent treatment or systematization.

Such a right also belongs to a citizen who has subjected to independent treatment individual works of the type indicated.

These rights do not prevent other citizens from publishing the same works, if they have systematized them or treated them independently.

The compiler of a collection who treats or systematizes in such collection works which are the objects of copyrights of any sort has a copyright on the collection if he respects the rights of the authors of the works.

Article 488. Use of an author's work by other persons

Use of an author's work by other persons is permitted only on the basis of a contract with the author or his heirs, except in cases indicated in the law.

Article 489. Translation of a work into another language

Any printed work may be translated into another language without consent, if the author is notified and if the unity and sense of the work are retained (Article 480).

Notification must be sent to the author by the appropriate organization immediately upon its approval of the use of the translation. Upon demand of the author, a copy of the translation must be made available to him for examination.

If a translation contains a violation of the unity of a work or a distortion of its meaning, the author, or after his death the persons indicated in Article 481 of this Code, may avail themselves of the means of protection prescribed for cases of violation of the integrity of a work (Article 499).

Article 490. Copyright of a translator

The copyright on a translation belongs to the translator.

This right of the translator does not prevent other persons from independently translating the same work.

Article 491. Right of an author to remuneration for the use of his work in a foreign-language translation

The right to remuneration for the use of a work in a foreign-language translation belongs to the author of the original work in cases specified in decrees of the Council of Ministers of the RSFSR.

Article 492. Use of a work without consent of the author and without payment of remuneration

The following are permitted without consent of the author and without payment of remuneration, but with an obligation to indicate the name of the author whose work is being used and the source from which it has been taken:

1) use of the published work of another person for the creation of a new, creatively independent work, except for the rewriting of a story in dramatic or scenario form, and vice-versa, or the rewriting of a play into a scenario and vice-versa;

2) reproduction in scientific and critical works and in educational and political-education publications of any published works of science, literature and art, or selections from such works, within the limits established by decrees of the Council of Ministers of the RSFSR;

3) information regarding published works of literature, science and art in the periodical press, on the screen, or on radio or television;

4) reproduction in newspapers, on the screen, or on radio or television of publicly delivered speeches and reports, as well as works of literature, science and art which have been published.

Transmission by radio or television of publicly performed works directly from the place of performance is likewise considered reproduction;

5) reproduction in any manner, except through copying by mechanical contact methods, of works of representational art located in places open to the public, with the exception of exhibitions and museums.

Article 493. Use of works for the satisfaction of personal needs

Reproduction or other use of the published works of another person for the satisfaction of personal needs is permitted without consent of the author and without payment of remuneration.

Article 494. Copyright of a person who has used the work of another for the creation of a new work

A person who has used the work of another for the creation of a new work (point 1 of Article 492) has a copyright on the work which he creates.

This right does not prevent other persons from using the same work for the creation of new works.

Article 495. Use of a work without consent of the author, but with payment of remuneration

The following are permitted without consent of the author, but with an indication of his name and with payment to him of remuneration:

1) public performance of a published work; however, if no admission fee is charged, the author has a right to remuneration only in cases established by the Council of Ministers of the RSFSR;

2) recording of published works on film, records, magnetic tape or by other means, for the purpose of public reproduction or circulation, except for the use of works on the screen or on radio or television (point 4 of Article 492);

3) use by a composer of published literary works for the creation of musical works with text; in such cases, remuneration is paid to the author of the text by the organization using such work;

4) use of works of representational art, as well as photographic works, on industrial articles; in such cases, an indication of the author's name is not required.

Article 496. Duration of a copyright

A copyright belongs to an author for life.

After the death of an author, the copyrights on his works pass by inheritance, within the limits established by legislation of the USSR and by this Code, and are valid for 15 years, calculated from January 1 of the year of the author's death.

The extent of remuneration payments to be made to the heirs of an author in relation to the total amount of such remuneration is determined by decrees of the Council of Ministers of the RSFSR. Remuneration paid to the heirs of an author may in no case exceed 50 percent of the remuneration which would have been payable to the author himself.

Article 497. Duration of the copyright on a collective work

The copyright on a collective work belongs to each of the authors for life and passes to his heirs.

The heirs of each co-author may exercise the copyright for a period of 15 years, calculated from January 1 of the year of the author's death. After such time, the right of the deceased co-author which passed to his heirs to a share in the remuneration for use of the collective work terminates.

Article 498. Duration of a copyright which belongs to an organization

A copyright which belongs to an organization is valid indefinitely. In the event of the reorganization of an organization, its copyrights pass to its successor, and to the event of its liquidation, to the state.

Article 499. Protection of the private non-property rights of an author

In case a person uses the work of another without a contract with the author or his heirs (Article 488), or fails to observe the conditions for using a work without consent of the author (Articles 492 and 495), or violates the integrity of a work (Article 480) or other personal non-property rights of an author, the author, or after his death his heirs or such other persons as are indicated in Article 481 of this Code, may demand the reestablishment of the violated right (the making of appropriate corrections, an announcement in the press or by some other means concerning the violation which had been committed), or the prohibition of publication of the work or the termination of its distribution.

Article 500. Protection of the property rights of an author in the event of a violation of his copyright

If an author has sustained damages through a violation of his copyright (Article 219), he may, independently of the rights indicated in Article 499 of this Code, claim compensation for the damages.

Article 501. Purchase of a copyright by the state

The rights of an author regarding publication, public performance or other use of a work are subject to compulsory purchase by the state from the author or his heirs by special decree, issued in

each individual case by the Council of Ministers of the RSFSR.

The manner and conditions of use of a work, the rights to which have been purchased, are prescribed by the Council of Ministers of the RSFSR.

Article 502. Declaration of works to be property of the state

A work upon which the copyright has expired may be declared to be property of the state by decision of the Council of Ministers of the RSFSR. The manner and conditions of use of works which have been declared to be property of the state are prescribed by the Council of Ministers of the RSFSR.

The right to translate into the Russian language works published in foreign languages either in the RSFSR or beyond its borders may in the same manner be declared a monopoly of the state.

Article 503. Author's contract

An author may, for purposes of the utilization of his work, conclude an author's contract with an appropriate organization.

By an author's contract an author transfers or undertakes to create and within a period established by the contract to transfer a work to an organization for use in the manner stipulated in the contract and the organization undertakes to use or to begin to use the work within the period established by the contract (Article 510), as well as to pay remuneration to the author, except in cases specified in the law.

Article 504. Types of author's contracts

Author's contracts include:

a contract for the publication or republication of a work (publication contract);

a contract for the public performance of an unpublished work (production contract); an author may conclude a production contract which provides for a lump-sum payment of remuneration for a single work with only one organization;

a contract for the use of an unpublished work for a motion-picture or television film (scenario contract), or for a radio or television transmission;

a contract for the creation of a work of representational art for purposes of its public exhibition (artistic order contract); a contract for use in industry of an unpublished work of decorative-applied art;

as well as other contracts for the use in any other way of works of literature, science, or art.

Article 505. Form of an author's contract

An author's contract must be concluded in written form (Article 46).

Written form is not required for a contract for the publication of a work in a periodical or in an encyclopedic dictionary.

Article 506. Model author's contracts

Author's contracts are concluded in accordance with model contracts. Model author's contracts are approved by agreement between interested governmental agencies or departments and unions of creative artists in the manner prescribed by the Council of Ministers of the RSFSR, except in cases in which legislation of the USSR places approval of such contracts under the jurisdiction of the USSR.

Author's contract may contain terms not provided in the model contract. Terms in a contract concluded with an author which place the author in a worse position than that established in the law or in the model contract are invalid, and are to be replaced by the terms established by law or by the model contract.

Article 507. Amount of remuneration of an author under an author's contract

The amount of remuneration paid under an author's contract is established by agreement of the parties, within the limits of approved rates if such rates exist (Article 479).

Article 508. Transfer and approval of a work

An author is required to create, in accordance with the terms of the contract, a work which has been ordered from him, and to transfer it to the organization within the period established by the contract and in the manner stipulated.

An organization is required to inform an author in writing no later than the time established in the model contract either of approval of a work which has been delivered to it under an author's contract, or of its refusal on grounds provided by the contract, or of the need for making improvements in the work, with an exact description of the nature of the changes required, within the limits of the terms of the contract. If written notice is not sent to the author within the period established by the contract, the work is considered approved by the organization.

Article 509. Limitation on the use by third persons of a work with respect to which a contract has been concluded

An author may not without written permission of the other party transfer a work of art specified in a contract, or a part thereof, to third persons for use in the same manner as that stipulated by the contract, except in cases specified by the model contracts. The period of such limitation is established by the model contract but it may not exceed three years from the date of approval of the work by

the organization. Model contracts may provide for cases in which an author is not entitled to transfer a work for use in ways other than those stipulated by the contract.

Article 510. Obligation of an organization to use a work

An organization must use or begin to use a work in the manner specified by the contract within the period established by the contract, which period may not exceed two years from the date of approval by it of the work. This obligation does not extend to an organization which has concluded a scenario contract or an artistic order contract.

Model contracts may provide for shorter maximum periods than those indicated in this Article, taking into account the size of the work and the nature of its use.

Article 511. Liability of an author for breach of a contract

An author must return the remuneration received under a contract if the contract is rescinded by the organization because the author, through his own fault, has failed to transfer a work within the period of time established by the contract; has failed to perform the order in accordance with the terms of the contract or in a conscientious manner; has refused to make changes proposed to him in the manner and within the limits established by the contract; has violated his obligation to perform the work personally, or has violated the rules in Article 509 of this Code.

If an organization refuses a work on the grounds provided by the contract (Article 508) and fails to prove in court a lack of conscientiousness on the part of the author in performing the work, the author retains the remuneration received under the contract either in full or in part, as determined by the model contracts. Such part may not be less than 25 percent of the total amount under the contract.

Article 512. Liability of an organization for breach of a contract

If an organization fails to use or to begin to use a work accepted by it within the period of time established by the contract (Article 510), it must, if the author so demands, pay him the full remuneration stipulated by the contract. In such a case, the author may also rescind the contract and demand the return of any copies of the work transferred under it. The organization is relieved of liability for payment to the author of that part of his remuneration which he would have received after commencement of the use of the work if it proves that it could not use the work because of circumstances attributable to the author.

Article 513. Transfer of the right of ownership in a work of representational art created under an order

A work of representational art created under an order is transferred to the ownership of the customer, unless otherwise provided by the contract. The author retains the copyright on the work.

The owner of a work has a right to place it on public exhibition without payment of additional remuneration to the author.

Article 514. Protection of the interest of a citizen depicted in a work of representational art

Publication, reproduction and distribution of a work of representational art in which a person is depicted are permitted only with the consent of the person so depicted or, after his death, with the consent of his children and surviving spouse. Such consent is not required if the publication, reproduction or distribution is carried out in the interests of the state or the public, or if the person depicted has posed for the author for payment.

Article 515. Procedure for the use of architectural, engineering, and other technical plans drawn under an order

Architectural, engineering and other technical plans, drawings and sketches drawn under an order of an organization may be used by such customer for its needs, transferred by it to the use of third persons, or reproduced in print, without payment of additional remuneration to the author.

Article 516. Contract to convert a work from one form into another

By a contract to convert a work an author gives to another person, on terms provided by the contract, a right to rewrite his narrative work into dramatic or scenario form, or vice-versa, or to rewrite his dramatic work into a scenario, or vice-versa. An organization which has concluded with an author a contract to convert a work is required to pay the author remuneration except in cases specified by law, and immediately upon approval by it of the work resulting from the conversion, to request consent of the author to the publication of such work. The amount of remuneration is established by agreement of the parties, within the limits of approved rates if such rates exist (Article 479).

An author may be placed under an obligation not to give to third persons the right to convert a given work into the same form as that provided by the contract without written permission of the other party to the contract. Such obligation continues for the period of time established by the contract, which must not exceed three years from the date on which the contract was concluded.