

Russian Federation

The Law of the Russian Federation “On Copyright and Related Rights” (Decree No. 5351-1 of 9 June, 1993) has played an important role in the regulation of Copyright relations in museums, archives and libraries. It is in line with international standards in the field of Copyright and Related Rights, namely the Bern Convention for the Protection of Literary and Artistic works, the Universal Copyright Convention signed in Geneva, the WIPO Copyright Treaty, the WIPO Performances and Phonograms Treaty of 20.12.96 and the EU Directive on the Harmonization of Certain Aspects of Copyright and Related Rights in the Information Society of 22.05.01, No. 2001/29/EU.

To harmonize the protection of literary, scientific and artistic works (hereinafter referred to as “works”) by Russian and foreign authors, the Federal Law of the Russian Federation No. 72-F3 “On Amendments to the Law of the Russian Federation On Copyright and Related Rights” was adopted on 20.07.04.

Duration of Copyright

The Law stipulates that the duration of copyright extends to 70 years after the author’s death. According to amendments to Article 27, copyright protection is extended to 70 years after the author’s death instead of 50 years as it was before. That brought the Law into line not only with the European legislation but also to the world trends. Certainly, extending the duration of Copyright protection in Russia is a positive step from the point of view of equalization of rights for Russian and foreign authors.

Copyright for Legal Entities

To protect copyright for legal entities, provided by the paragraph 4 in the Resolution of the Russian Federation’ Supreme Council of 09.07.93, No.5351-1

“On the Order for Introduction into Operation the Law of the Russian Federation On Copyright and Related Rights”, the following amendments have been submitted. Copyright for legal entities, including museums, archives and libraries, adopted before this Law entered into force, expires after 70 years, dated from the day of legitimate publication of the work and if it was not published, from the day of the work’s creation.

These standards are very important for the cultural institutions in the Russian Federation, and in particular, for national libraries in the Russian Federation such as the State Russian Library and the Russian National Library as well as for the largest museums, archives, and major libraries in Russian regions such as republican and regional libraries, etc. This is because they all are regarded as the state storages for archives and books, their holdings are of the State property and their functions are to meet the needs of society in general information in favor of different nationalities of the Russian Federation and development of the domestic culture, science and education. The regulations permit the cultural institutions to use the materials held in their collections for creation of derivative works of different types.

Copyright for Digital Library Resources

The legislation establishes certain limitations for libraries concerning the delivery of a full text electronic copy of a document to external electronic networks, for example, to the Internet. However, in correspondence with Article 19, p.2 “Libraries are allowed to supply copies of documents, free of charge, for temporary use of their patrons without the author’s permission and without the author’s fee, if the document was introduced to civic operation in a legal way. Therefore, digital copies of documents, including the copies available through the interlibrary loan, can be supplied to patrons for temporary use, free of charge, only inside of the library building, under the condition that it is not possible to make a digital copy of the document”.

This Article effectively prevents cultural institutions, including libraries from developing new digital resources such as digital libraries and web sites with digitized full text collections of books and articles. They are also not allowed to reproduce documents on electronic networks for user services or for the purpose of holdings' preservation (such as making a secure copies of documents, restoration of dilapidated copies and delivery of documents to other libraries through the interlibrary loan to fill a gap in their holdings). With the development of new information technologies, contemporary cultural institutions are compelled to change their services according to the requirements of the copyright legislation: for example, in supplying digital documents to users only in “ the electronic reading room” that is to say in internal networks, and to limit users' actions in copying digital documents.

Protection of Copyright and Related Rights

According to the Federal Law of the Russian Federation No. 72-F3 “On Amendments to the Law of the Russian Federation On Copyright and Related Rights”, a new Article No. 48.1 “Technical Means for Protection of Copyright and Related Rights” has been introduced. The content of the Article follows the regulations of the WIPO Copyright Treaty, the WIPO Performances and Phonograms Treaty from 20.12.96 and the EU Directive on Harmonization of Certain Aspects of Copyright and Related Rights in the Information Society of 22.05.01, No. 2001/29/EU. The Article No. 48.1 considers as the technical means for copyright any technical device or its components designed to control access to documents or limit actions, which are not permitted by author, holder of related rights or the holder of some other exclusive rights, referring the documents.

Applying to the works, it is not admissible to fulfill unauthorized actions for taking off the limitations in works' use that are established by technical means for protection; it is also not admissible to create, distribute, rent, supply for temporary use, free of charge, any device or its components, and to use them for commercial

purpose or for providing services if such activities will lead to copyright infringement.

The Federal Law of the Russian Federation No. 72-F3 “On Amendments to the Law of the Russian Federation On Copyright and Related Rights” has introduced a new version of the Article No. 49 “Civil and Legal Ways of Protection of Copyright and Related Rights”. According this article, the author, holder of related rights or holder of some other exclusive rights, applying to the work, are able to protect their rights in ways provided by the Civil Code of the Russian Federation. The Article No. 49 provides the following remedies for civil and legal protections of authors and right holders:

- Compensation for damages or payment of a compensation fee for each infringement of copyright or related rights;
- Compensation for damages to reputation;
- Application to a court, the court of arbitration, public prosecutor’s office, bodies of preliminary investigation, etc.

Rights-management information

The Federal Law of the Russian Federation No. 72-F3 “On Amendments to the Law of the Russian Federation On Copyright and Related Rights” has introduced a new article No.48.2 “Rights-management information”. The Article stipulates that rights-management information refers to any information provided by rights holders, which identifies a work, the author or rights holders' names or the terms and conditions of use, which is notified on the copy of the work. It provides legal protection against unauthorized removal or alteration of electronic rights-management information from a copyright work.

Applying to the activities of cultural institutions and especially libraries, this Article might be of use if, for example, their collections contain items with specified special terms and conditions, prohibiting the use of the item or actions on it. The terms and conditions notice is usually placed after the title page or on the wrapping license for electronic publications.

Prohibition of use of counterfeit publications

The Federal Law of the Russian Federation No. 72-F3 “On Amendments to the Law of the Russian Federation On Copyright and Related Rights” introduced a new article 49.1, which stipulates that the confiscation of counterfeit copies of publications or phonograms as well as equipment and materials, used for their reproduction, fulfills by order of the court and according to the Legislation of the Russian Federation.

These regulations prohibit acquisitions and use of counterfeit publications in the cultural institutions.