



**On approval of the Agreement on cooperation on organization of interstate exchange of information and formation of national databases of copyright and related rights**

*Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated December 21, 2010 No. 1387

*Unofficial translation*

The Government of the Republic of Kazakhstan **hereby RESOLVED as follows:**

1. To approve the Agreement on cooperation on the organization of interstate exchange of information and the formation of national databases of copyright and related rights, done in Yalta on November 20, 2009 (hereinafter referred to as the Agreement).

2. To define the Ministry of Justice of the Republic of Kazakhstan as the plenipotentiary body responsible for the implementation of the Agreement.

3. The Ministry of Foreign Affairs of the Republic of Kazakhstan shall notify the Executive Committee of the Commonwealth of Independent States on the determination of the plenipotentiary body responsible for the implementation of the Agreement.

2. This resolution shall be enforced from the date of its signing.

*Prime Minister of the Republic of Kazakhstan*

*K. Massimov*

**AGREEMENT**

**on cooperation on the organization of interstate exchange of information and the formation of national databases of copyright and related rights**

Governments of the state members of the Commonwealth of Independent States, hereinafter referred to as the Parties,

bearing in mind the importance of providing information on copyright, related rights and rights holders,

being aware of the need to share information resources and coordinate the efforts of Parties to implement effective measures for the security and protection of intellectual property

seeking to improve the effectiveness of the implementation of the measures for the security and protection of property rights provided for by the legislation of the member states to this Agreement,

desiring to further develop interstate cooperation and mutual legal assistance to strengthen economic ties within the Commonwealth,

desiring to create favorable conditions for the development of mutual trade, economic and scientific cooperation,

based on the provisions of the Concept for the formation of national databases and the organization of interstate exchange of information on the prevention and suppression of intellectual property offences, approved by the Decision of the Council of Heads of Government of the CIS dated May 25, 2006,

hereby agreed as follows:

### **Article 1**

In order to create conditions for interstate exchange of information on copyright objects, related rights and rights holders of the Parties shall, in accordance with national legislation, cooperate in the organization of interstate exchange of information and the formation of national databases of copyright and related rights and shall develop a mechanism, ensuring that such information is obtained from each Party's national copyright and related rights databases, the internal affairs authorities, the judiciary, the Public Prosecutor 's Office, customs and other authorities of the member states to this Agreement.

The Parties shall, in accordance with national legislation, exchange information on copyright, related rights and rights holders through their plenipotentiary bodies.

The plenipotentiary bodies in this Agreement shall mean the bodies of the Parties that form and control the maintenance of registers of copyright and related rights.

### **Article 2**

The Parties shall, in accordance with this Agreement and other international treaties to which they shall be member Parties, as well as the national legislation of the member states to this Agreement, develop cooperation in the field of creating a regulatory legal and methodological basis for interstate exchange of information on copyright objects, related rights and rights holders, which shall be carried out between the plenipotentiary bodies of the Parties after the formation of national databases on the basis of unified principles.

Each Party shall provide access to information on copyright, related rights and rights holders to individuals and legal entities of the state members to this Agreement in a manner not less favorable than to individuals and legal entities of its state.

### **Article 3**

The plenipotentiary bodies of the Parties shall cooperate in accordance with national legislation by:

developing common principles for the establishment of national databases;

identification of unified requirements for the composition and content of information to be included in national databases;

identifying sources of information and the procedure to include information in national databases;

ensuring information security in accordance with the national legislation of the member states to this Agreement;

exchange of educational, methodological and specialized literature;

organization of joint research, seminars and conferences;

training of database specialists (assistance in training and advanced training of the staff);

identification of bodies that develop and use national databases;

carrying out measures to organize interstate exchange of information on objects of copyright, related rights and rights holders;

exchange of experience in the formation of national databases and the organization of interstate exchange of information on copyright and related rights;

provision of regulatory legal acts regulating relations in the field of security and protection of copyright and related rights upon request of the Parties.

The Parties shall determine the list of their plenipotentiary bodies and shall inform the depositary thereof when giving notification of the implementation of the domestic procedures necessary for the entry into force of this Agreement.

#### **Article 4**

Representatives of the plenipotentiary bodies of the Parties shall, if necessary, hold working meetings and consultations on the problems of strengthening and improving the effectiveness of cooperation in the organization of interstate exchange of information on copyright objects, related rights and rights holders (including issues of harmonization of legislation of the member states to this Agreement and methodology in this field).

#### **Article 5**

In order to implement this Agreement, the Parties shall adopt separate documents defining the composition, formats and procedure of mutual provision of information, including technical methods of interaction implementation.

#### **Article 6**

The plenipotentiary bodies of the Parties shall bear the expenses related to the implementation of this Agreement.

#### **Article 7**

For the purpose of cooperation under this Agreement, the working language shall be Russian.

#### **Article 8**

This Agreement shall not affect the rights and obligations of each Party arising under it from other international treaties to which it shall be a Party.

#### **Article 9**

This Agreement may, by mutual consent of the Parties, be amended and added as an integral part thereof, which shall be formalized by the relevant minute and shall enter into force in the procedure provided for the entry into force of this Agreement.

#### **Article 10**

Disputes between the Parties arising in the implementation and interpretation of this Agreement shall be settled through consultations and negotiations between the Parties concerned or through other procedure agreed by the Parties.

#### **Article 11**

This Agreement shall enter into force upon expiry of 30 days after the date of receipt by the depositary of the third written notification of the implementation by the Signatories of the domestic procedures necessary for its entry into force.

For Parties that have implemented domestic procedures at a later date, this Agreement shall enter into force upon expiry of 30 days after the date of receipt by the depositary of the relevant documents.

#### **Article 12**

This Agreement shall, upon its entry into force, be open to accession by any member state of the Commonwealth of Independent States by means of an instrument of accession to the depositary.

For an acceding state, this Agreement shall enter into force upon expiry of 30 days after the date of receipt by the depositary of the instrument of accession.

#### **Article 13**

This Agreement shall be entered into indefinitely. Each Party may withdraw from this Agreement by giving written notification to the depositary of such intention not later than 6 months prior to withdrawal.

Done in Yalta on November 20, 2009 in one original copy in Russian. The original copy shall be kept by the Executive Committee of the Commonwealth of Independent States, which shall send to each signatory state a certified copy thereof.

For the Government of the Republic of Azerbaijan For the Government of the Russian Federation

For the Government of the Republic of Armenia For the Government of the Republic of Tajikistan

For the Government Republic of Belarus For the Government of Turkmenistan

For the Government of the Republic of Kazakhstan For the Government of the Republic of Uzbekistan

For the Government of the Kyrgyz Republic For the Government of Ukraine

For the Government of the Republic of Moldova

### **DISSENTING OPINION**

**of the Republic of Azerbaijan to the Agreement of the member state of the Commonwealth of**

**Independent States on cooperation on the organization of interstate exchange of information**

**and formation of national databases of copyright and related rights dated November 20, 2009**

1. The Republic of Azerbaijan shall participate in the implementation of the provisions of the Agreement within the framework of national legislation and perceives their objectives in the format of the states concerned.

2. Except for the words "internal affairs authorities, judicial authorities, the Prosecutor's Office, customs as well as other authorities of the member states to this Agreement" in paragraph 1 of Article 1; the words "general" in paragraph 2, the words "unified" in paragraph 3, and as well as in paragraph 5 of Article 3.

3. Any of the rights, duties and provisions stated in the Agreement of the member states of the Commonwealth of Independent States on cooperation on the organization of interstate exchange of information and formation of national databases of copyright and related rights shall not be accepted by the Republic of Azerbaijan concerning the Republic of Armenia before release of all occupied territories of the Republic of Azerbaijan and full elimination of consequences of aggression.

*The First Deputy*

*Prime Minister*

*of the Republic of Azerbaijan Y. Eyyubov*

I hereby certify that the attached text shall be the authentic copy of the Agreement on cooperation on the organization of interstate exchange of information and formation of national databases of copyright and related rights, adopted at the meeting of the Council of Heads of Government of the Commonwealth of Independent States held in Yalta on November 20, 2009. The original copy of the above-mentioned Agreement shall be kept in the Executive Committee of the Commonwealth of Independent States.

*The First Deputy Chairman*

*of the Executive Committee -*

*of the CIS Executive Secretary V. Garkun*

I hereby certify that this text shall be the certified copy of the certified copy of the Agreement on cooperation on the organization of interstate exchange of information and formation of national databases of copyright and related rights, signed in Yalta on November 20, 2009.

*Head of department*

*International law department*

*of the Ministry of Foreign Affairs*

*of the Republic of Kazakhstan B. Piskorsky*