

Country Report
On the Current Situation in the Kyrgyz Republic
Regarding Limitations and Exceptions from Copyright for the Visually
Impaired and Protection of Audiovisual Work

The Kyrgyz Republic is a member of the Berne Convention for the Protection of Literary and Artistic Works, the WIPO Copyright Treaty, the WIPO Performances and Phonograms Treaty, International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

In the Kyrgyz Republic matters related to the creation and use of works of science, literature and art (copyright), phonograms, performances, stage productions, broadcasting or cablecasting (related rights) are dealt with in the Law "On Copyright and Related Rights" of January 14, 1999.

As for the blind and the visually impaired, the Law of the Kyrgyz Republic "On Copyright and Related Rights" provides for only one limitation of copyright which is established in Article 19 of the said Law as follows:

Article 19. Use of Work without the Consent of the Author and the Payment of Author's Remuneration

1. It shall be permitted, without the consent of the author and payment of remuneration but with the obligatory indication of the name of the author whose work is used and the source of the work:

...

6) To reproduce with the help of a point system or other special writing system for the blind works which have been lawfully published, except for works which have been specifically created for such means of reproduction.

Currently, 5600 visually impaired are members of the Kyrgyz National Society of Blind and Deaf. At present, there are two care homes for the visually impaired.

Protection of audiovisual works

According to the Law of the Kyrgyz Republic "On Copyright and Related Rights" (Article 4), **audiovisual work** means work consisting of a fixed series of interconnected images (accompanied by sound or not) designed for visual and auditory (if accompanied by sound) perception with the help of appropriate technical devices.

Audiovisual works include cinematographic works and all works expressed by means comparable to cinematography (television and video films, slide shows and similar reproductions), regardless of the means of initial or subsequent fixation.

Audiovisual works are protected by copyright (Article 7).

The following are considered authors of an audiovisual work (Article 13):

- Scriptwriter (scenarist);

- Author of musical work (with or without text), specifically created for the audiovisual work (composer);
- Producer-director;
- Director of photography;
- Production designer.

At the request of the authors, audiovisual works can be registered in the state register maintained by Kyrgyzpatent. Twenty five audiovisual works were registered in 2013 and 2014.

The proliferation of counterfeit products should also be mentioned. During 2012-2014, law enforcement bodies of the Kyrgyz Republic handed over to Kyrgyzpatent 13,000 DVD disks for investigation of suspicions of counterfeit production.

Moreover, in January 2014, amendments were introduced in the legislation of the Kyrgyz Republic according to which criminal cases initiated under Article 150 of the Criminal Code ("Violation of Copyright, Related Rights and Rights of Patent Holders") are classified as cases of private-public prosecution, and the jurisdiction of such cases was transferred to bodies for combating economic crime.