


7. Copyright and Related Rights Law

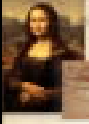
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National Workshop for Copyright Awareness and the Production and Utilization of the Mongolian Version of "Asian Copyright Handbook"
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Copyright and Related Rights Law

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Purpose of the Law

- ❖ To govern relations with respect to the protection, exploitation, ownership and disposal of work in copyright and neighboring rights.

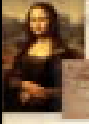
2



New regulations in the Law

- ❖ Definitions in the law
- ❖ Subject matter of copyright
- ❖ Copyright of derivative work
- ❖ Copyright of encyclopedias, dictionaries, other database compilations
- ❖ Copyright of a work created in the execution of official duties or the fulfillment of work obligations
- ❖ Commissioned work
- ❖ Non-

3



cont.

- ❖ Transfer of exclusive rights of copyright to others
- ❖ Conditions of copyright transfer agreements
- ❖ Conditions recognized as not being an infringement of copyright
- ❖ Copyright protection on the internet
- ❖ Activities and duties of a collective management society
- ❖ New forms of responsibility

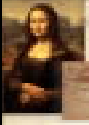
4



Definitions

• Owner of copyright	• Derivative work
• Works of folk art	• Work of fine art
• Fixation	• Neighboring right
• Phonogram	• Producer of phonograms
• Reproduction of work	• Audiovisual works
• Public communication of a work	• Identification of a copyright owner
• Demonstration of a work	


5



Rights of an Author

• Non-commercial rights	• Right to reproduce
• Rights to name use	• Right to make a work available to the public
• Right of attribution	• Right to make publicly communicate a work
• Inviolability of a work	• Right to alter, correct and translate
	• Rental right


6



Copyright of Derived Work

- Copyright of derived work shall be protected without prejudice to the copyright in the original work and shall have consent of the author.
- Copyrights of the author of a derived work shall not be hindered in the creation of a new derived work by means of translating, interpreting and adapting the original work by another author.


7



Copyright of a Work Created in the Execution of Official Duties or The Fulfillment of Work Obligations

- The author of a work created in the execution of his official duties or fulfillment of work obligations shall enjoy non-economic moral rights.
- An author's economic right to a work, created as an employee in the execution of official duties or fulfillment of work functions, shall be transferred to the employer, unless otherwise provided for by an agreement.


8



Non-commercial Rights of Performers

- ❖ A performer shall have moral rights, in regard to his aural performance, to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to the said work, which would be prejudicial to his honor or reputation.


9



Conditions Recognized not to be Copyright Infringement

- ❖ Exploitation shall be regarded as normal and not an infringement when the use is within the legitimate interests of the rights owner


10



Criteria for Defining use as Not an Infringement of Copyright

- ❖ Non-profit purpose
- ❖ Scope and importance of the use to the work
- ❖ Value of the work and the market effect of the work

11



Protection of Internet Copyright

- ❖ The provider shall create the opportunity to implement author and copyright owners' rights and take all necessary measures so that web pages located on its server are not infringing on those rights.
- ❖ Provider shall create the opportunity to receive information about any infringement and shall close web pages after receiving information about infringements.
- ❖ If provider does not implement these duties it would render him/her liable for damages.

12

Collective Management

- ❖ The owners of copyright and neighboring rights may set up collective management organizations for the purpose of protecting their rights.
- ❖ The collective management organization shall be set up based on the initiative of the copyright and neighboring rights holders and shall conduct activities within the power allocated by them and adhere to procedures provided in the law.
- ❖ The collective management organization shall be set up to specialize in a single type or several types of works.

13

Activities of Collective Administration

- Conclude contracts for use of the works of member-authors or rights holders
- Negotiate the amount of payment and other conditions with a user who has obtained the license to use a work
- Collect payment as provided by the license
- Distribute the collected payment among holders of the copyright and neighboring rights
- Provide suggestions and take other necessary measures provided by law, in cooperation with the intellectual property organization, upon receiving information about the infringement of rights

14

Liability for a Breach of Copyright

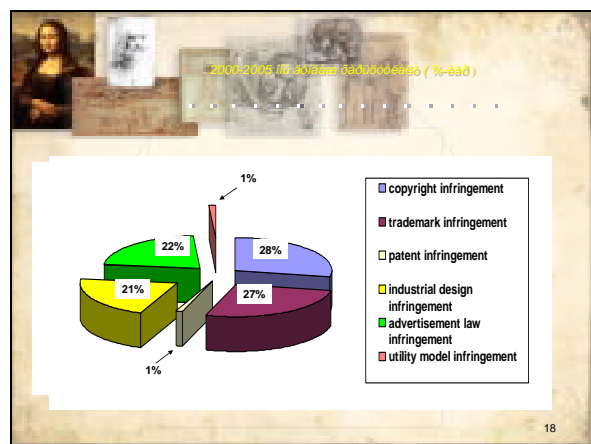
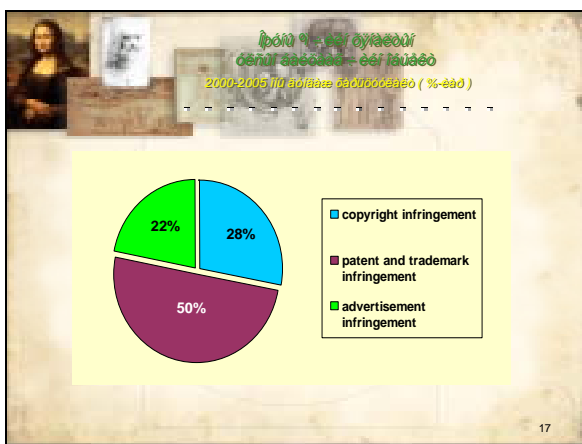
- ❖ Where a violation of the legislation on copyright is held not to constitute a criminal offence, a state inspector or judge shall impose on an offending natural person a fine from 2 to 6 times, or legal entity a fine from 10 to 25 times the minimum livelihood standard; a judge may issue detention for up to 7-14 days; infringing goods shall be seized and the amount received from the infringement shall be given to the author or state; or the infringer's activities shall be otherwise stopped.

15

Πρότυπη - επί σταθμοποίησης σταθμοί

data	2000	2001	2002	2003	2004	2005	Σύνολο
total	180	191	317	268	290	754	2000
Infringements	60	130	164	203	217	745	1519
Punishment	120,0	580,0	900,0	3,415,0	4,300,0	23,330,0	32,645,0
Seized goods	-	60,957,0	21,813,5	7,638,9	12,446,1	4,311,4	107,167,1
Total amount of royalty	2,500,0	-	1,000,0	2,200,0	-	=	5,700,0

16



CHAPTER II

