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Registration of Copyright and Related Rights Objects



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In most countries, lawmakers' approach to creating copyright and the exclusive right to related rights objects is the same - in Kazakhstan as well, copyright and related rights arise from the moment of creation of their objects, from the moment of materialization. Thus, copyright and related rights objects need no registration. This is the basis of international treaties aimed to protect copyright and related rights.

It is a common opinion that the only purpose of having copyright and related rights objects registered is to confirm that, at the time of registration, the object in question has been in existence - this may be used as proof, if and when a dispute arises. However, apart from registration, there are other ways to prove authorship and the exclusive right to related rights objects such as putting a copyright or related rights object into an envelope and depositing it with a notary or sending it at his own address.

In most countries, based on the above principle, such objects are not registered with state agencies. Instead, copyright and related rights objects are registered with institutions for collective management of property rights of authors and related rights holders, as is the case in Russia. At the same time in some cases such registration is required. For example, in the United States, registration is a must in the case of a dispute involving a breach of copyright or related rights. In the United States, copyright or related rights are registered regularly on a large scale.

In Kazakhstan, it is the Committee for Intellectual Property Rights under the Justice Ministry that effects registration of copyright objects and related

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rights, and issues a certificate for a copyright or a related rights object, with the object being recorded in the state register of works protected by copyright or related rights.

Registration takes a month from the moment of filing a registration application. The committee neither examines the materials filed by an applicant nor checks on the information stated in the application. The copyright or related rights holder filing an application for registration shall be liable for the compliance with the rights of third parties. Accordingly, data stated in the certificate is based on information supplied by the applicant.

Concurrently, the certificate of registration of a copyright or related rights object confirms that:

- The registered and deposited object is a copyright or related rights object.
- The committee has received it on the date shown in the certificate (an authorized state agency establishes a kind of priority that is a date no later which the object was created).
- The object stated in the certificate is stored at the committee and can be compared with an opposed object if needed.
- The individuals stated in the certificate have claimed a right to the registered and deposited copyright or related rights object.

Unless the contrary is proved, the certificate helps one fight pirates because the right to a copyright or related rights object is held by individuals specified in the certificate, with the latter serving as proof of existence of said right and being submitted to state agencies or court.

Registration and depositing are helpful, as illustrated by the following examples:

- The law of the Republic of Kazakhstan "On Competition and Restriction of Monopoly Activities" does not extend its restrictions to the relations of market players related to intellectual property matters, and in this case, the certificate confirms the fact of creation of an intellectual property object.
- Copyright or related rights objects can be used as collateral for the initial and subsequent public offering of securities.
- Property rights to copyright or related rights objects can be used as contribution to the charter capital of a company as intangible assets that make it possible to considerably increase the size of the charter capital. Also, copyright or related rights objects can be put in the

books of a company with subsequent depreciation.

- Intellectual property objects, including copyright or related rights objects, can be used as pledge for loans.

It should be noted that when using intellectual property as collateral, contribution to the charter capital of a company, putting it in the books of a company or as pledge, the intellectual property objects should be assessed. Registration of copyright or related rights objects is important for their assessment, as it makes it possible to individualize the object assessed and establish its completeness.

[Yuri Bolotov and Natalia Shapovalova - Entrepreneur and Law magazine, February 2018](#)