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Why to register copyrights?



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According to the norms of the International and Kazakhstan legislation - the copyright to a work of science, literature and art arises from the fact of its creation and for the origin and implementation of copyright it is not required to register a work, to perform special registration of a work or to comply with any other formalities.

This provision is convenient when there is no dispute about who is the author of a work.

In order to evidence authorship sometimes it is enough to simply present an unopened parcel forwarded by the author to himself containing a copy or original of a work, information about the author and the date of creation of a work. However, as practice shows, in most cases, when an author appeals to the court or state bodies for the protection of his copyrights, such proof is not enough and one of the first questions asked to the author is whether there is a document confirming the registration of copyright. In such a situation, it becomes obvious that the author needs to be concerned in advance and provide himself with relevant evidence.

Acquiring rights to copyright works, authors can consent or prohibit the use of their works to the third parties. Possessing a certificate of registration of a work, they can submit it to the tax, customs, law enforcement agencies and the court. The availability of an official

registration of copyright is necessary in cases requiring the evaluation of the work in monetary terms. For students and researchers, the availability of official confirmation of their authorship in the form of a certificate for the created work can be regarded as a publication, which is important in obtaining a diploma or academic degree. For some inventors, such evidence can be an incentive for the creation of a new work and, sometimes, for self-affirmation and satisfaction of creative ambitions. For the university, the number of copyright registrations helps to increase its rating and receive grants for scientific development.

As an advantage of registering works, you can also indicate that usually the value of a work increases when it is on the balance sheet as intangible assets and registered with the state and if duly protected and evaluated over the years, its value may exceed the value of material objects.

Registration is also suitable for the following reasons:

- The very fact of registration confirms that the object specified in the certificate is a work of literature and art and is protected as an object of copyright;
- The identity of the author of the work is indicated and this author (authors) is considered the author until the contrary is established by the court;
- The date of creation of the work is established, and the date of receipt of the work by the authorized body is certainly proof that at least on that date the work already existed;
- Indicate who owns the property rights for this work. If these rights do not belong to the author;
- The author's certificate is issued by the state body and is sealed with the official seal, which is well perceived by courts as evidence and the existence and ownership of copyrights;
- In the presence of a certificate of registration, it is almost always no longer necessary to present agreements (labor, transfer of rights, etc.), indicating the existence and ownership of copyright as this information is already indicated in the certificate;
- Participation in tenders requires confirmation of the presence of copyrights by a certificate;
- The presence of an author's certificate is also often required to assess the value of copyrights to evaluators;
- The work itself is stored in an authorized body and, in the event of a dispute, for example, a court can compare a "disputed" work with a copy submitted along with an application for the registration of

copyrights for this work.

Finally, the certificate, which indicates that it was issued on the basis of the application of the author and the applicant, nevertheless confirms the existence and ownership of copyright and is, of course, recognized by the majority of both publishers and other public and private organizations and not only in Kazakhstan, but also abroad.

The registration authority in Kazakhstan is the Ministry of Justice of the Republic of Kazakhstan. In the United States, these functions are performed by the Copyright Office of the Library of Congress, in Russia by the Russian Authors' Society (RAS), similar registration systems exist in other countries. In all these cases, examination of the object of registered rights is not carried out, it is rather a deposit, and not registration, but such a "fixed" system of acquiring rights, in our opinion, is extremely useful.

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