



## **Country report RUSSIA**

Annual report to the IFLA CLM committee  
Singapore 2013

### **Copyright**

The unchanged (so far) Part 4 of the Civil Code of the Russian Federation is in effect providing the requirements for libraries' copying and reproducing documents from library collections. The RF Civil Code Articles 1270 and 1274 do not provide for any limitations or exceptions from copyright for libraries and archives with regard to digitization of publications without the permission by a copyright holder. In fact, practically no digital copies of documents may be produced while their copyright protection lasts (70 years after author's death). This extends to fragments and journal articles, too.

No changes have taken place regarding hard copy reproduction. As before, articles and small fragments of publications may be copied for personal use and non-profit purposes without the permission of copyright holder, meanwhile whole books and journals, theses may be copied only on the written permission of copyright holder or holders (as there can be more than one holder).

### ***New legislation***

On July 3, 2013 the law was endorsed on the amendments to the legislative acts related to the intellectual property rights in information and telecommunication media. The State Duma adopted the law on June 21 and on June 26 the Council of the Federation approved it. The law introduces the concept of *notice and take away* for documents in the digital media that have been judged as violating the copyright. In this respect, the law is completely on par with the U.S. and (in general) European legislation on copyright on the Internet.

### ***Proposed legislation***

The amendments to Part 4 of the RF Civil Code are introduced to the State Duma of the Russian Federation, including those related to libraries: national libraries and libraries receiving obligatory copy are proposed to be given the right to generate digital copies of scholarly and academic books that may be used for personal purposes (but not sooner than 10 years since the book publication).

## **Legal Matters**

### ***New legislation***

The Presidential Decree “On Measures to Implement the National Social Policy,” effective last year, provides for the increase of the digital library collections open to the public by 10% yearly; among others, the provisions have been made for paying fees to copyright holders. This task has been delegated to two national libraries.

### **Law cases**

July 3, 2013 was the day one of the Intellectual Property Rights Court of the Russian Federation. The country leader has signed his Presidential Decree on the nominative assignment for all 15 judges who are to rule at this *intellectual* arbitrary judicial authority. All recourses to the Court will be reviewed within two groups: cases related to “Violation of the Rights” (for example, disputes on commercial names and trademarks) will constitute the first group, while impeachment of *ROSPATENT* (Federal Service for Intellectual Property, FIPS) resolutions is the second type of recourses.

The first legal precedent was created when a Moscow region telecommunication provider, TEFO Ltd, was held liable to administrative offence and charged a penalty for renouncing the requirement of *ROSKOMNADZOR* (Federal Service for Supervision of Communications, Information Technology and Mass Media) to block websites with illegal content.

### **Advocacy/Lobbying activities**

Workshops and sessions on copyright and its relation to library and archives operation are regularly held at **Crimea conference** “Libraries and Information Resources in the Modern World of Science, Culture, Education and Business” and **Libcom conference** “Information Technologies, Computer Systems and Publications for Libraries”, at practically all national conferences, as well as discussed on the premises of national libraries. Copyright in libraries is a permanent topic of professional library literature.

The Russian Agency for Press and Mass Communication in cooperation with major Russian publishers have started a new PR project called “Read Legally” aiming at promoting copyright awareness among the youth, encouraging the use of legal copies and counter-piracy advocacy.

### **Educational activities**

The RF Ministry of Education and Science has been proceeding with accrediting and licensing individual specializations of universities on the

condition that the agreements for providing full-texts of textbooks and training manuals be signed with the corresponding education content providers.

The act on mandatory provision of the open access to qualification and graduation papers of university students is under development, though it is still unclear, whether this requirement better implements by individual agreements with rightholders or Creative Commons licenses.

### **Strategic plans for the future**

We set our hopes on the Council of Federation Intellectual Property Council. The Government has initiated the development of the “Concept for Intellectual Property Strategy”, and for today, the Government has authorized the RF Ministry of Education and Science and RF Ministry of Economic Development to be in charge of the strategy development. It is important that the copyright issues be properly presented within the Strategy.

### **Other issues**

Creative Commons licenses at present have a limited use in Russia but there is an ongoing effort to encourage their wider application. Russian experts point out that Creative Commons license Version 3.0 has certain flaws:

- It doesn't cover software and databases;
- There are compatibility problems with earlier versions;
- There is dependence on specific site and specific organization, etc.

The Institute of Information Society Development has prepared an analytic report *Application of Creative Commons licenses in the Russian Federation*. Russian experts call for the adjustment of the Russian legislation to the use of Version 4.

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