On the establishment of state agency for copyrights and related rights

Resolution No 508 of the Cabinet of Ministers of the Republic of Kazakstan
8 June 1992

Because of the creation of the independent Republic of Kazakstan and its extending participation in the international system of protection of copyrights and related rights, increasing influence of the copyrights and related rights on the development of the relations between governments in the field of science, culture, trade and considering the fact that these issues under modern conditions cannot be solved without an appropriate government legislative support, the Cabinet of Ministers resolves:

1. To accept a suggestion of the Kazak agency for copyrights to transform it into the State Agency for copyright and related rights (SACRR).
2. Responsibilities of the State Agency for copyright and related rights will include:

- to make sure in accordance with the current legislation that rights and legal interests of the authors, artists, performers, record makers, TV companies are protected in the Republic of Kazakstan and abroad;
- elaborate suggestions on improvement of the legal acts on copyrights and related rights, participation of RK in the international system of the protection of such rights;
- provide state assistance to the authors, artists, performers, record makers .

To confirm that State Agency for copyrights and related rights is successor of the Agency for copyrights.

3. SACRR must take on its balance the main assets and other property, including financial, material and capital resources of the Agency for copyrights as of 1 January 1992.

To establish that SACRR conducts its activity on the basis of self-financing, partly being financed from the State budget.

4. To establish that all payments in hard currency to the account of SACRR should be made according to the current normative acts.
5. Salaries of the management and staff of SACRR is determined in comparison with salaries established for the management, staff of the committees and other state bodies within the Cabinet of Ministers of RK.
6. To approve attached Provision on SACRR.
7. To give the right to determine the structure and staffing of SACRR to the Chairman of SACRR.

APPROVED
by the Resolution No.508
of the Cabinet of Ministers of the RK

Provision on State Agency for copyrights and related rights

I. General Provisions

1. SACRR is a state body which implements a policy of the Republic of Kazakstan for copyrights and related rights issues in accordance with Constitution of the RK and Provisions of International (Geneva) convention on copyrights.
2. SACRR deals with issues on protection of copyrights. It also controls on a government level observance of rules with regard to copyrights and is responsible for the compliance with international agreements in the area of copyrights and related rights.
3. SACRR is responsible for further improvement of the system for the protection of copyrights and related rights, for assistance in promotion of works of Kazak authors abroad, for import and export rights of the materials which can bring political, cultural or economic benefit to the RK.
4. SACRR, creating favorable legal conditions, moral and material incentives for the workers of science, literature and art, determines main directions of its activity considering opinions and interests of the Academy of Science, ministry of culture, Ministry of Justice, Ministry of Finance, Ministry of Publishing and mass media organizations.
5. SACRR is a legal entity; it has main and turnover assets, can on its own behalf buy rights and have responsibilities for it, participate in deals and sign contracts, be plaintiff and defendant in court or arbitration court.
6. SACRR has a stamp with its title and the State coat of arms on it.

7. SACRR is located at 82 Auzova street, Almaty, Kazakstan.

II. Objectives and tasks

8. SACRR has the following tasks:
- to provide observance of copyrights of Kazak and foreign authors and their successors when using works of science, literature and art on the territory of the RK, also Kazak authors and their successors when using works of art, literature, science in the CIS countries and abroad;
- to promote works of Kazak authors abroad and to use works of foreign authors taking into consideration political, economic and cultural interests of the Republic of Kazakstan;
- to provide all possible assistance to people of other countries to learn more about Kazak works of science, literature and art, to the development of exchange of cultural values;
- to coordinate activities of the enterprises, organizations and institutions of all ministries related to the competency of SACRR;
- to manage its activities through regional centers and representative offices abroad.

9. SACRR, its regional offices, representative offices abroad make up one unit.

10. SACRR conducts its activities in accordance with International Geneva convention on copyrights, legislation of the RK and other normative acts, including this Resolution.

11. SACRR carries out:
- presentation of copyrights and related to it legal interests of authors and their successor - on behalf of authors or their successors;
- implementation of necessary measures for the prevention of violations of rules of copyrights or restoration of violated copyrights;
- elaboration of recommendations addressed to ministries, government departments and organizations, which supervise the organizations-users of the appropriate works of science, art or literature. Also for these ministries to determine expediency of usage of such works in the RK;
- promotion and advertising of Kazak works of art, literature, science abroad;
- participation in the established order and signing of international agreements and contracts about bilateral protection of copyrights;
- representation on behalf of the government of the RK in the International Committee of International (Geneva) convention on copyrights, participation in various international conferences on the issues of copyrights and related rights;
- signing agreements with appropriate organizations of the countries-members of International (Geneva) convention on copyrights and countries with whom the RK has the bilateral agreement on protection of copyrights;
- compiling on the basis of applications received from Ministries, organizations and submitting in the established order of the draft of the hard currency plan for the transactions carried out through SACRR with allowance of the hard currency sums to the ministries, organizations which supervise the activities of the enterprises-users of the works of foreign authors; when signing contracts with foreign authors and their successors accounting of the limits of the usage of hard currency, which were established for enterprises and organizations-users for the expenses related to protection of copyrights;
- brokerage in signing agreements and contracts with foreign legal and physical entities on conditions of use of the works of Kazak authors abroad;
- brokerage in signing agreements and contracts with foreign legal and physical entities on purchasing of the rights for the use of works of foreign authors in the RK;
- registration of contracts on the conditions of use of the works of foreign authors in the RK and works of Kazak authors abroad, which were signed by the ministries and organizations which have the right to sign such contracts independently, without special permission from SACRR;
- receiving and payment to the authors salaries, which are determined by the conditions of the contracts, signed through SACRR or by SACRR itself for the use of works of Kazak authors abroad or use of works of foreign authors in the RK;
- collecting and payment of the fees due to the Kazak and foreign authors, artists, performers and their successors for the public performance on the territory of the RK, receiving and payment of fees to the Kazak authors, performers,.artists and their successors for public performance of their works abroad;
- receiving and payment of bonuses for movies, and TV programs, records; receiving and payment of fees for the use paintings;

- receiving and payment of fees due to the heirs of the Kazak authors whose works are used in the RK;
- receiving and payment of fees to Literature, Musical, Journalism Funds of the Republic of Kazakstan;
- signing of agreements with foreign citizens or firms on representation of interests of the RK concerning copyrights abroad;
- rendering of legal services to the citizens and organizations through consultations on copyright issues;
- registration of publicly performed in the RK works of authors; registration of other performance and works belonging to either Kazak or foreign authors, the payment for which is made through SACRR;
- studying of the foreign legislation related to copyrights and related rights and their experience in the field of protection of copyrights;
- exchange with foreign agencies of similar nature on the basis of mutual co-operation and in accordance with signed contracts, information about the issues of registration of authors and their works, exchange documents and other materials related to the distribution and payment of fees;
- publishing within the limit of its competency (in accordance with current legislation) instructions and orders on issues classified as being in a competency of SACRR, compulsory for all ministries, government departments and organizations. In some cases, when a coordinated decision is necessary, SACRR takes a decision in cooperation with ministries, government departments and organizations.
- publishing of the books, advertising and information materials on works of science, literature and art of Kazak authors,other business or commercial activity;
- reviewing, generalizing the practice of the implementation of the legislation in the area of copyrights, elaboration and presentation to the Cabinet of Ministers suggestions about the improvement and making changes and introduction of amendments to the legislative acts related to copyrights.

III. Financial economic activity, profit

12. SACRR conducts its activity on the basis of self-financing, being partly financed from the state budget.
13. SACRR receives its profit from the following sources:
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- commissions received from the fees paid to the authors and their successors through SACRR;
- commissions received from the sums obtained by SACRR for Literature, Musical, Journalism funds of the RK;
- commissions received from the sums obtained as a result of winning of court cases initiated by the authors;
- sums obtained as a result of rendering of legal consultations;
- sums received as a result of commercial activity.
14. When implementing activities in the field of planning, construction, supply of technical equipment, financing, staffing, labor and payment of labor, also in a field of economic, scientific and cultural connections with other countries, SACRR acts in accordance with current legislation of the RK.
15. Salaries of the management and staff of SACRR is determined in comparison with salaries established for the management, staff of the committees and other state bodies within the Cabinet of Ministers of RK.

IV. Management

16. SACRR is managed by Chairman appointed by the Cabinet of Ministers of the RK.
17. Chairman of SACRR:
- carries out general management of the activity of SACRR;
- is personally responsible for the tasks of SACRR;
- provides control for the implementation of the functions and tasks of SACRR;
- managers property and assets of SACRR, represents SACRR on meetings with legal and physical entities, signs contracts and other deals on behalf of SACRR;
- confirms the structure, staffing, schedule of executive offices, also signs labor agreements with workers of SACRR;
- appoints officials of SACRR, establishes sizes of salaries and bonuses;

- makes a decision on behalf of SACRR about suing a company in accordance with current legislation;
- represents SACRR at meetings with state bodies, public and other local and foreign enterprises and organizations;
- controls observance of labor and economic legislation.