

Research on the Property Rights of Copyright in Russia

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ABSTRACT

The copyright property rights are an indispensable core element in the copyright laws of various countries. After the codification of copyright laws in Russia, it has continuously revised and improved the property rights section, forming a unique system. By tracing the institutional evolution from the monopoly privileges of the Russian Empire, the nationalization of the Soviet Union to the codification of the Russian Federation's laws, it can be seen that the nature of copyright property rights has undergone a fundamental transformation towards private rights autonomy. The fourth part of the Russian Civil Code provides centralized regulations on copyright property rights. The copyright property rights in Russia are structured around the "exclusive right", defining the "copyright exclusive right" first, then explaining the subjects, objects, and attribution rules, and subsequently making typified provisions for eleven specific rights such as reproduction, distribution, leasing, dissemination, and adaptation. These provisions have been continuously updated in the amendments over the years. The approach of Russia in constructing copyright property rights with "exclusive right" as the core clarifies the special property object attribute of copyright, which is independent from traditional property rights and bonds, and has stronger applicability when facing complex copyright disputes.

KEYWORDS

Copyright Property Rights; Intellectual Rights; Exclusive Rights; Russian Copyright.

1. INTRODUCTION

In the new era, the ties between China and Russia have become increasingly close, and the direction of exchanges has shifted from the original focus on traditional economic trade and industrial energy to now presenting a comprehensive, multi-level, and wide-ranging characteristic. With the advancement of the information age, the proportion of cooperation in new fields such as electronic information and cultural technology has been continuously increasing. The international cooperation between China and Russia on copyright issues has become increasingly important.

Russia classifies copyright as a category of "intellectual rights", namely the rights to intellectual activity outcomes and personalized identification. This seems to have some differences from China's regulatory approach to copyright. This issue has attracted the attention of the academic community. Different scholars introduce Russian copyright law from different perspectives. From a longitudinal historical perspective, some scholars trace the historical evolution and extension of Russian copyright legal protection, revealing "the historical evolution of Russian copyright legal protection"[1]. Some scholars also conduct a horizontal comparison to analyze the aspects that Russia's copyright law can be borrowed from[2]. Although existing studies have conducted translation research on Russia's copyright regulations, the academic community is currently fragmented and lacks systematic and comprehensive exploration. The research on the property rights content of copyright is given less

attention. With the update and iteration of the laws of both countries, especially after China revised, promulgated, and implemented the new copyright law, some of the previous research contents urgently need new directions and viewpoints to be introduced. The in-depth exploration of copyright property rights still has great research potential. Therefore, this article starts from the overall aspect of Russian copyright property rights, through the research on the concept, subjects, objects, contents, and protection of Russian copyright property rights, in order to fill the current lack of research in this field.

2. THE HISTORICAL EVOLUTION OF COPYRIGHT RIGHTS IN RUSSIA

The copyright system sprouted from the book publishing industry and has undergone over three hundred years of development since the enactment of the world's first true copyright law, the Statute of Anne, in 1710. Compared to Western European countries with well-developed copyright laws, Russia's copyright protection system started relatively late. Historian S.Ya. Pereselenkov believes that this was primarily due to the state's monopolistic control over book printing. Russian copyright law began to take shape in the 16th and 17th centuries, with its first modern copyright regulation, the Censorship Statute, promulgated in 1828. It later went through a complex development during the Soviet period and further advanced and matured in the Russian Federation era.

The Formation and Emergence during the Period of Tsarist Russia. During the period of Tsarist Russia from the mid-16th century to the late 17th century, on one hand, the state and the church exercised monopolistic control over the printing industry: the content of books was reviewed by Orthodox bishops, and approval from the Tsar was required for printing and distribution. During this period, the development of the printing industry was slow, and the number of printing institutions was very small[3]. In this stage, religious books accounted for the majority of the printed books, and throughout the 17th century, Moscow Russia printed a total of 483 books, among which only 7 were non-religious[4]. On the other hand, the development of copyright lacked a market foundation. Due to the ideological control of religion and the low cultural level of the people at that time, in Russia, only a small portion of the population could read, and the demand for scientific and artistic works by the public was very low[5]. Therefore, private printing was almost non-existent, and the book printing trade market was difficult to form, and the soil for the emergence of the modern copyright system was lacking.

During Peter I's reign (1682 - 1725), cultural reforms were carried out, promoting the secularization of Russian culture and transferring the control of book compilation and printing rights from religion to the state. During Catherine II's reign, the state relaxed its control over the printing and publishing industries, and private printing enterprises began to emerge. Under the state's dominance of the publishing industry, book publishing required strict review of publications, and in 1771, Russia granted printing privileges to foreign language books for the first time, while reviewing foreign literature and prohibiting the publication of Russian books to maintain the state monopoly[6]. On January 15, 1783, private printing was recognized in Russian law, but it was abolished only 18 years later. At the same time, the social status of creators was recognized, and they transformed from court-appointed scholars to free literary producers, achieving a transformation from "identity to contract". It can be said that the modern copyright system in the 18th century developed rapidly, the situation of state monopoly and exclusive control over the printing industry was broken, and the independent status of authors gradually formed.

In the early 19th century, Russian literature entered the "Golden Age", and the prosperity of the literary field stimulated the rapid development of the printing industry, and the book publishing market increased. During the reign of Alexander I, private printing was allowed again, and a new book and publication inspection directive was passed, making the creative space more free and active. In the initial stage of the book and publication inspection system, the Russian book inspection bureau

only reviewed the book and publication works submitted by publishers and did not care whether the publishers had the rights to the works.

In 1803, a special committee was established in St. Petersburg and a regulation was passed, which for the first time in Russian legislation, established the principle and standards for payment of author's remuneration[7]. This document first established the concept of author's remuneration in Russian legislation, clearly stating that individuals or institutions using the author's work have the obligation to pay corresponding remuneration to the creator. "In fact, this was the first legal institution in our country to protect the rights of authors." [8]. In 1816, the Russian Ministry of Education of the People issued an order that when submitting manuscripts to the Book and Periodical Inspection Bureau, proof of the author's authorization to the publisher for printing must be attached. On April 22, 1828, with the consent of Tsar Nicholas I, the first modern copyright normative document in Russia, "Book Review Regulations", was promulgated, which included the chapter "Authors and Publishers of Books"[9]. Article 135 of this law stipulates that the author or translator of a book has the right to use and sell their publication for life as they wish; Article 137 stipulates that the copyright protection period is 25 years, recognizing that writers and translators have exclusive rights and they belong to the property rights of the work. In the subsequent stage of protecting authors' rights in Russia, a new "Composers, Translators and Publishers Regulations" was promulgated in 1830[10]. In this law, the protection period of copyright was extended to 35 years, and then to 50 years. The author's rights were thus recognized as property rights, and the scope of the protection object was further expanded, reaching the music and art fields in 1845. In 1911, Russia passed the "Copyright Law"[11], which was the first independent normative legal document in Russian history, aiming to regulate legal relations in the field of copyright. This law stipulates in the general section the concept, object and valid period of copyright, and the protection object is expanded to maps, plans, dramas, art, photography. Overall, it conforms to European legislation and European practice, reflecting the advanced ideas of the German law in 1907 and the "Berne Convention" in 1908. However, in terms of protecting copyright, this law still followed the traditionally lower protection level of Russian copyright law, but also laid a certain foundation for the development of copyright during the Soviet period.

During the Russian period, the nature of copyright underwent a transformation from state authorization to private rights; the rights subject completed the transition from the government and publishers to the source of creators' dominance; legal norms evolved from special provisions to specialized legislation; the protection object expanded from a single author's work to multiple fields.

The Tortuous Development during the Soviet Era. The victory of the October Revolution in 1917 overthrew the rule of the Russian bourgeois provisional government, and Russia's development path then shifted towards socialism. Under the new political system, the copyright system inevitably underwent new changes to adapt to the needs of Soviet social development.

In the early days of the Soviet Union, influenced by socialist ideology, under the leadership of the concept of "property sharing", the state transferred literary and artistic works from the private domain to the public property category. Although the works were nationalized, a corresponding remuneration payment mechanism was still retained for the living authors. Although this practice had progressive significance under specific historical conditions, it objectively set institutional obstacles for the modernization development of the copyright law. In 1925, the Soviet People's Commissariat passed the first copyright law of the Soviet Union, "Principles of Copyright Law", which only stipulated principles to enable each constituent republic to formulate corresponding laws. The effective protection period was 25 years from the time of the work's publication, and it was extended to the lifetime of the author and 15 years after death in 1928. On May 16, 1928, the Central Executive Committee and the People's Commissariat of the Soviet Union passed the first systematic copyright law, "Soviet Copyright Decree", which established the basic system of the separate provisions and expanded the protection conditions of copyright subjects, the free use of works, etc. For example, translating foreign works and using foreign works for the creation of new works for the purpose of

creating new works that are essentially different from them, using others' works for the purpose of creating new works, etc. In addition, this law also introduced a national supervision system. For example, the contract terms for the transfer of the public performance right of works and the publishing contract terms were regulated by the laws of each union republic.

Starting from the 1940s, the Soviet Union began to compile a civil code, and passed four draft civil codes successively. In 1961, the "Soviet and Each Autonomous Republic Civil Legislative Outline" was promulgated, which included a chapter specifically discussing copyright issues. Copyright was divided into two rights, namely personal rights and property rights [12]. The "Soviet Civil Code" of 1964 was the world's first civil code to stipulate the intellectual property system, which incorporated the intellectual property system into the adjustment scope of the civil code and confirmed the equal status of intangible property rights and tangible property rights according to the law [13]. Copyright applied to scientific, literary and artistic works, regardless of the form or dissemination method of the work, the results produced by this activity were all recognized as the object of copyright. In 1973, the Soviet Union joined the "World Copyright Convention" [14], promising to provide minimum protection for the translation and publication rights of foreign works. At the same time, the scope of copyright protection was expanded, such as the protection period being 25 years from the author's lifetime and after death. However, overall, the legislative norms of the Soviet Union lagged behind the copyright law of the Russian Empire period [15].

The Advancement and Maturity during the Russian Federation Era. In late 1991, a coup took place in the Soviet Union. On December 26, the Soviet Union officially declared its dissolution into 15 independent countries. The Russian Federation became a fully independent country, which was the sole successor of the Soviet Union. Its ideology and legislative concepts underwent significant changes, and the rights and obligations in the copyright law also changed accordingly.

After the dissolution of the Soviet Union, Russia embarked on a path of transitioning from a planned economy to a market economy. Coupled with the government's desire to integrate with the world economy and join the World Trade Organization, among other factors, it urgently needed to formulate a new copyright law to regulate and adjust market relations. On July 9, 1993, the Russian Federation passed the single law "Copyright and Adjacent Rights Law" [16]. During this period, copyright was under dual protection by the Civil Code and the single law. The draft of this law was drafted by a renowned Russian expert group and included many contents proposed in Russia and other countries. This law conforms to the international norms for the protection of copyright and adjacent rights in this era. [17] The law covers five parts: general provisions, copyright, adjacent rights, collective management, and rights protection. The fourth part is the first time that the organization for collective management of copyright and adjacent rights is included in the category of rights subjects. Moreover, although this law clearly stipulates that the rights of authors include personal non-property rights and exclusive property rights, due to various reasons such as the rush of legislation, there was a principle error of including personal non-property rights in exclusive rights.

From 1992 to 1993, the Russian Federation successively promulgated six single laws for the protection of intellectual property rights [18]. Due to the fact that the Russian Federation was in the transitional period of economic transformation and political turmoil at this time, these six single laws had strong practical purposes. Their frequency of promulgation was also very high, and their content was temporary. Therefore, in a certain sense, the regulations played a transitional role, and the ultimate goal was to formulate a unified Civil Code. In 1994, based on a presidential decree, a code compilation team was established, thus initiating a 12-year historical process of fully codifying Russian intellectual property legislation. Throughout the entire process of codifying Russian intellectual property legislation into a Civil Code, there were no shortage of opponents, and even the supporters' opinions were not entirely consistent. According to the viewpoint of expert Sergeyev who participated in the drafting work, the codification of Russian intellectual property legislation can be divided into three stages. The first two stages are non-complete codification, that is, retaining the single laws for intellectual property rights, while the last stage is the complete codification stage. It

not only civilizes the general provisions and elaborated rules of intellectual property rights, but also abolishes the current single laws for intellectual property rights. [19] Finally, on November 24, 2006, the Russian Federation Civil Code, the fourth part "Rights of Intellectual Achievements and Personal Identification" (i.e., copyright), was passed, ending the legislative conflicts that lasted for more than ten years and marking the development of Russian copyright into a new stage.

Summary of This Chapter. The copyright system in Russia has a long history. Its development has gone through three main stages: the Tsarist Russia period, the Soviet Russia period, and the Russian Federation period. It has presented a unique evolutionary path. During the Tsarist Russia period, the state monopoly on the printing industry long suppressed the emergence of copyright, and it was not until 1828 when the "Book and Periodical Review Regulations" were promulgated that a modern copyright protection framework was first established, achieving the transformation from state privilege to individual private rights. During the Soviet Russia period, the copyright system was influenced by socialist ideology, and the protection level was limited. However, it still gradually expanded the scope of protection through legislation. During the Russian Federation period, in order to adapt to the development of the market economy and gradually integrate with the international community, Russia promulgated the "Copyright and Adjacent Rights Law" in 1993, and completed the complete codification of intellectual property rights in 2006. Overall, the Russian copyright law has undergone a development process from monopoly to openness, from nationalization to privatization, and from individual laws to codification.

3. OVERVIEW OF COPYRIGHT FOR LITERARY WORKS IN RUSSIA

The Concept and Objects of Copyright in Russia. In the currently valid "Russian Federation Civil Code", the "exclusive right" (Исключительное право) theory is a very important innovation in the property rights section. Its concept has narrowed from the previous comprehensive scope including personal non-property rights and property rights to only referring to property rights in intellectual property. The exclusive right of works is regarded as the basic right of copyright, and the property right of works is expressed as "exclusive right of works". The subject of copyright legally enjoys both personal non-property rights of works and the property right of the exclusive right of works. Article 1270, Paragraph 1 of the "Russian Federation Civil Code" specifically stipulates the special structure of the exclusive right of works: "The author or other right holders of a work have the exclusive right to use the work in any form and in any other way that does not violate the law. The right holders can dispose of the exclusive right of works." [20] In the second paragraph, 11 forms of exclusive rights for using the work are detailed.

According to Article 1259, Paragraph 1 of the "Russian Federation Civil Code", "Scientific, literary and artistic works are the objects of copyright, regardless of the value and purpose of the works, and regardless of their form of expression." [21] The legislative amendments in Russia are frequent. After two federal law amendments in 2015 [22], 10 types of works with specific forms of expression were stipulated, plus a catch-all clause: literary works; drama and musical drama works, scripts; dance works and pantomimes; works with or without text; audio-visual works; paintings, sculptures, sketches, industrial design, illustrated stories, comic strips and other artistic works; decorative applied art and scenographic art works; architectural, urban architectural and landscape art works, including their design drawings, plans, images and three-dimensional sand models; photographic works and works obtained in a similar photographic manner; maps and other maps, plans, sketches and artistic works related to geography and other sciences; other works. Among them, the objects of copyright also include computer programs protected as literary works, derivative works (i.e., works adapted from other works), and compilatory works (i.e., works that embody the creative labor results in the organization and arrangement of materials). Unlike other countries, oral works are not included, but it can be seen from Paragraph 3 of Article 1259 that "the applicable forms of copyright" [23] indicate

that published works expressed in oral form (public speeches, public performances and other similar forms) or works expressed in some objective form but unpublished belong to the objects of copyright.

From the above classification, it can be seen that the Russian copyright law does not simply categorize works based on their form of expression. Some categories clearly overlap, for example, the division between artistic works and decorative and practical works in the field of fine arts. The legislators have adopted this approach to expand the protection scope of works as much as possible, in order to better cope with the complex and diverse forms of works in reality, better meet the actual needs of the public, enhance the operability of the law, and facilitate the protection of copyright holders. Additionally, the law clearly stipulates four types that do not fall within the scope of copyright subjects. Notably, in Russia, folk literary and artistic works do not fall within the scope of copyright subjects. According to the law, folk literary and artistic works are defined as "folk creations without a specific author", which shows that the author holds an important position in the Russian copyright law. Compared with other types of works, folk literary and artistic works have the following characteristics: First, there is no specific creator; second, there is no specific completion time of creation; third, they are limited to a certain region or ethnic group, reflecting the specific regional or ethnic cultural characteristics. Based on the above content, Russia and some other countries oppose including folk literary and artistic works within the scope of copyright protection, while China includes folk literary and artistic works within the scope of copyright protection.

Ownership of Copyright in Russia. Under the influence of the Berne Convention, copyright laws around the world generally stipulate that copyright arises automatically upon the completion of the work, that is, the automatic acquisition principle. Russia adopts this approach. Article 1259, Paragraph 4 of the Russian Federation Civil Code stipulates that "the creation, exercise and protection of copyright do not require the work to be registered or undergo any other procedures" [24]. However, under this system, due to the lack of formal requirements for copyright acquisition, it is difficult for copyright holders to clearly indicate the external characteristics of the rights attribution to the outside world [25], often leading to difficulties in confirming the attribution. Therefore, Article 1271 of the Russian Federation Civil Code stipulates "the protection mark of copyright", that is, the right holder has the right to notify the exclusive rights of the work by adding a copyright protection mark, in order to protect their property rights.

In terms of the ownership of copyright, similar to the civil law systems represented by Germany and France, Article 1257 of the Russian Federation Civil Code stipulates that "a citizen who creates a work through creative labor is the author of scientific, literary or artistic works", that is, the author can only be a natural person as a citizen, excluding the possibility of legal persons or organizations becoming authors. Regarding the determination of the author, Russia adopts the presumption principle. The person indicated on the original or copy of the work or in any other way as the author is regarded as the author of the work, except where there is contrary evidence. In the ownership of copyright of some special works, the Russian Federation Civil Code makes different provisions:

First, there are collaborative works [26], where citizens who jointly engage in creative labor to create a work are considered collaborative authors, and their copyrights are jointly owned by the collaborators. Regarding the exercise of the copyright of collaborative works, if the work can be independent of other parts of the work, the author of that part can use it independently according to his own will, and the exclusive rights of the part belonging to him terminate upon his death; if the work is an indivisible whole, the transfer of exclusive rights should be carried out jointly by the collaborators, and any collaborator without sufficient reasons has no right to prohibit the use of the work, and the income from the use should be evenly distributed among the collaborating authors, and the share of exclusive rights of one of the collaborating authors should be equally transferred to the other collaborating authors upon his death.

Second, there are derivative works and compilations [27]. The relevant provisions for this part are in Article 1260 of the Code and are presented through enumeration of specific work types. "Translation

works and other derivative works include editing and processing, converting into films or television, adapting music, scripts or other similar works, whose authors enjoy copyright over their translated or adapted works. Compilation works include literary anthologies, encyclopedias, databases, internet websites, atlases or other similar works, whose authors enjoy copyright over their selection or compilation." The 2023 Federal Law Amendment [28] added provisions on unauthorized use of derivative works or compilations. In such cases, the copyrights of translators, derivative authors, compilers and other authors, as well as the rights of the original author of the based work, should all be protected.

Third, there are audio-visual works [29], whose concept is a set of interrelated images (with or without sound) that, through corresponding devices, can be perceived visually and auditorily. The author is the director, scriptwriter and composer. The 2022 Federal Law Amendment added "art director of animation (cartoon) films" [30]. The overall exclusive rights of audio-visual works belong to the producer. When publicly performing audio-visual works or broadcasting them wirelessly or via cable, the authors of the musical works (with or without sound) retain the right to receive remuneration for the musical works.

Fourth, there are works performed in the course of duty [31]. Article 1295 of the Russian Federation Civil Code stipulates that "works created by staff (authors) within the scope of the prescribed labor duties (duty works) are the author's works. The exclusive rights of duty works belong to the employer, except where there are different provisions in the labor contract or civil contract between the employer and the author. If the employer does not start to use the work within 3 years from the date it is submitted to his control, does not sell the exclusive rights to others, or does not notify the author to keep the work confidential, the exclusive rights of the duty work shall be returned to the author." In terms of the assessment of the relationship between the interests of the employer and the author, the legislators have emphasized protecting the economic rights and interests of the author through this provision.

Fifth, Commissioned Works [32] stipulates in Article 1296 of the Russian Federation Civil Code, "Works created under commission", which states: "Works created under a contract, such as computer programs, databases, or other works based on the subject matter, created according to the contract, the exclusive rights of which belong to the commissioner, except where otherwise agreed between the trustee (executor) and the commissioner." In the case where the exclusive rights of the work belong to the commissioner, the trustee enjoys special rights for limited use of the work. This is the default rule, unless otherwise agreed by both parties. These special rights must meet the following conditions: First, they are non-exclusive; second, they can be used without compensation within the validity period of the exclusive rights; third, they are limited to one's own needs, that is, the need to use the work in one's own business (including commercial activities), and not including the publication of the work, entering into licensing contracts for the work, etc. In addition, according to the contractual agreement between both parties, when the exclusive rights belong to the trustee, the commissioner has the right to use the work within the entire validity period of the exclusive rights, for the purpose of achieving the contractual objectives, under the condition of a free simple (non-exclusive) license.

Protection of Copyright Ownership in Russia. Since the entry into force of the Fourth Part of the Russian Federation Civil Code in 2008, the legal framework for copyright protection has undergone multiple revisions in 2010, 2024, and 2025 [33], with the latest 2025 amendment coming into effect on January 4, 2026.

Infringement. Most provisions regarding the protection of intellectual property rights are concentrated in Chapter 69 of the Russian Federation Civil Code, "General Provisions", and Chapter 70 specifically discusses copyright[34]. Article 1252 of the Code stipulates "Protection of Exclusive Rights", including the confirmation of rights, the prevention of infringement and acts constituting infringement threats, compensation for losses or payment of compensation, confiscation of physical

carriers, publication of infringement judgments and indication of the true rights holder. In the case of infringement of the exclusive rights of the work, the author or other rights holders have the right to use the above protection methods while demanding that the infringer pay an amount as compensation for losses. This amendment partially alters the copyright legal protection system, adding compensation for infringement of exclusive rights, payment of compensation, and the amount of compensation for infringement of exclusive rights determined by the court, especially the supplementation of the circumstances for the application of compensation and the determination of the amount, to help courts provide legal relief in judicial practice and protect the exclusive rights of the author. The Russian Federation Civil Code specifically addresses the issue of copyright rights information protection, including situations of infringement of copyright ownership, "Prohibiting removing or modifying the copyright information on the work without the consent of the author or other rights holders before copying, distributing, importing for distribution purposes, public performance, wireless or wired broadcasting, and disseminating the work to the public", and the remedy is the aforementioned "the amount of compensation for infringement of exclusive rights determined by the court".

Term. In Russia, the protection period for copyright is based on the principle of starting from the time of death. This period is a fixed duration and has no relation to whether the work is published or when it is published. Article 1281 of the Russian Civil Code stipulates, "The protection period for a natural person's work is 70 years from the author's lifetime and the first day of the following year. For a collaborative work, the protection period is 70 years from the lifetime of the last deceased author and the first day of the following year." Anonymous or pseudonymous (unknown authorship) published works have a protection period of 70 years from the first day of their legal publication. If the author publicly reveals their identity or the authorship is determined within this period, the above-mentioned protection period for natural persons shall apply. In addition, the Russian Civil Code specifically stipulates two special circumstances for extending the protection period. One is if the author is persecuted and is cleared of the charges after death, the protection period shall be extended from the first day of the following year after the author's clearance for 70 years; the other is if the author worked during the Great Patriotic War or participated in it, the protection period shall be extended by 4 years on top of the protection period for natural persons. When the exclusive rights of a scientific, literary or artistic work cease, regardless of whether the work is published or not, it shall become public wealth.

4. SPECIFIC TYPES OF COPYRIGHT OWNERSHIP IN RUSSIA.

Copyright ownership occupies a core position in the copyright law system. It concerns the degree to which the economic interests of copyright holders can be realized and is the main realization path of copyright law to stimulate creation and dissemination [35]. Due to different legislative ideas in various countries, nowadays, countries around the world have their own distinctive models for establishing copyright ownership rights. For example, in the civil law system, Germany adopts a typified legislative model, and its "Copyright Law of the People's Republic of China" Article 15 divides copyright ownership rights into two major types, and the categories maintain openness [36], that is, the exclusive right to use the work in its physical form (including reproduction right, distribution right and exhibition right) and the exclusive right to publicly reproduce the work in non-physical form (including performance right, public offering right, broadcasting right, etc.) [37]; in the Anglo-American legal system, the United States' "Copyright Law" Article 106 lists six types of copyright ownership rights, including reproduction, distribution, adaptation, performance, exhibition, digital public performance (the sixth item still belongs to the scope of performance right). The Russian Civil Code stipulates that copyright ownership rights are exercised through the use of the work, Article 1270, Paragraph 2 adopts an enumerative legislative model, that is, regardless of whether the corresponding act is for profit or not, the 11 enumerated acts are all regarded as the use of the work, and the designated exclusive rights play a role in these different usage forms. To facilitate

the elaboration of the content of Russian copyright ownership rights, the author divides these 11 forms of work use into the following four categories for detailed discussion.

Copycat works. (1) Duplication. Most provisions regarding the protection of intellectual property rights are concentrated in Chapter 69 of the Russian Federation Civil Code, "General Provisions", and Chapter 70 specifically discusses copyright[34].

Copying is the most original and common way of utilizing a work. The right of copying has existed since the birth of copyright law [38]. Therefore, the right of copying is the foundation and core of the copyright property rights, and it can be considered that the current copyright law is still constructed around the right of copying. [39] According to the provisions of the Russian copyright law, copying a work means to produce a single or multiple copies of the work or a part of the work in any material form, such as recording the work or a part of it in the form of audio or video, making a copy of a two-dimensional work in a three-dimensional form, or making multiple copies of a three-dimensional work in a two-dimensional form. Storing the work in an electronic carrier, including storing it in an electronic computer, is also considered as copying. Thus, Russia classifies copying into the following types: (1) the copying form from a plane to a plane, that is, the most common types such as printing and photocopying; (2) the copying form from a three-dimensional to a plane, this type mainly targets non-original photographic works; (3) the copying form from a three-dimensional to a three-dimensional, such as the enlargement or reduction of sculptures; (4) the copying form from an unencased to an encased form, such as recording an oral work expressed through sound; (5) the copying form from a plane to a three-dimensional, such as carving a work based on a design sketch made by a sculptor, or manufacturing an electronic product based on a circuit design drawing.

In addition, the Russian Civil Code also clearly stipulates "exceptional circumstances of copying", that is, the following situations do not fall under copying: the work has a temporary or accidental short-term record that constitutes an inseparable substantive part of the process of a technological procedure, this record has the sole purpose of legally using the work, or the transmission of the work as an information channel between third parties in the information network, and this record does not have independent economic significance. The exceptional circumstances of copying have the following characteristics: first, short-term and temporary information records, that is, the information automatically read and copied from the work during the use of the electronic computer and then replaced, such as data buffering when a user watches a video or browsing website pages; second, the legality of the use purpose; third, the lack of independent economic significance. This regulation of Russia is closely related to the temporary copying studied by the academic community. The regulations on whether temporary copying falls within the scope of the right of copying vary among different countries. The so-called temporary copying (Temporary replication) refers to the technical phenomenon where a work is read, temporarily stored, and briefly reproduced after being stored in the random access memory (RAM) of a computer, usually automatically eliminated upon the computer's shutdown [40]. Therefore, this regulation of Russia is also the computer temporary replication situation studied in theory. Whether temporary copying is included in the scope of the right of copying is not clearly stipulated in the Berne Convention. The United States and the European Union advocate including it, while most developing countries such as China and the African Union delegation hold the opposite opinion. According to this legal provision of Russia, the temporary copying that does not have independent economic significance does not fall within the right of copying, because temporary copying is a necessary requirement of current technology and a necessary condition for the operation of the Internet space. Therefore, Article 1280 of the Russian Civil Code details the "rights of users of computer programs and databases" [41], that is, the person (user) who legally holds a copy of a computer program or database has the right to perform the acts stipulated in this article without the permission of the author or other rights holders and without paying additional compensation.

(2) The specific implementation of the plans related to architectural art design, industrial product art design, urban architecture or landscape art. This type of usage falls under the special

provisions for the replication form from the plane to the solid, which is a particular type of exclusive right as stipulated in Russian law. The issue of whether the heterogeneous replication (or "heterogeneous replication", "heteromorphic transformation", etc.) from the plane to the solid belongs to the replication content is affirmed by international conventions. The Berne Convention stipulates that "authors have the exclusive right to authorize the reproduction of these works in any way and in any form". Russia and the United Kingdom, Japan, Germany, etc. have similar situations, including incorporating this heterogeneous replication into the scope of reproduction. [42] However, in China, the Copyright Law stipulates that the replication form from the plane to the solid does not fall under the scope of reproduction in the Copyright Law. In addition, Article 1294 of the Russian Civil Code specifically stipulates the rights of the authors of architectural, urban construction and landscape art works [43], and the authors of these works have the exclusive right to use their own works, including formulating construction documents and implementing architectural, urban construction or landscape project plans. The author has the right to conduct copyright review on the production of architectural documents and has the right to supervise copyright over buildings or structures and other matters implemented according to their designs. The author has the right to request the client of architectural, urban construction and landscape art design to authorize the implementation of their own design plans.

Issued Works (1) Issue. The Russian Federation Civil Code stipulates: "Issuing a work refers to the act of selling or otherwise transferring the original or copy of the work." Additionally, in Article 1268 of this code regarding the publication right of the author's personality rights, the definition of publication is provided: "Publication means, based on the nature of the work, reproducing the work in sufficient quantity to meet the reasonable needs of the public and placing the copies in the circulation domain through any material carrier." The main characteristics of the distribution right as stipulated in the Russian copyright law are as follows: First, the mode of distribution is through sale or other forms of transfer; second, the target of distribution is the unspecified public; third, the content of distribution includes the original or copy of the work, that is, the tangible material carrier.

The principle closely related to the distribution right is the "exhaustion of distribution rights". The 16th Article, Paragraph 3 of the Russian Copyright and Adjacent Rights Law of 1993 established this principle: "If the copies of a legally published work enter the civil circulation domain through the sale method, it is allowed to continue distributing the copies without the consent of the author and without paying the copyright compensation." Nowadays, the current Russian Federation Civil Code, Article 1272, has provided more detailed regulations on it: "If the original or copy of a work is legally distributed in the Russian Federation through sale or other transfer methods into the civil circulation domain, it is permitted to continue distributing the original or copy of the work without the consent of the right holder and without paying compensation to the right holder, except for the circumstances stipulated in Article 1293 (that is, the right of continuation of artistic works), provided that this law applies to the works that have been distributed in the civil circulation domain within the territory of the Russian Federation." From the perspective of the type of work, it expands from the reproduction of the copy of a single work to the original work; from the perspective of the circulation method, it increases from the original single sales method to including other transfer methods; from the perspective of territorial restrictions, the principle of exhaustion of distribution rights did not have territorial characteristics in the previous civil code, that is, it did not clearly stipulate the specific territorial scope of application of this law. Now, this principle only applies to the works that have been distributed in the civil circulation domain within the territory of the Russian Federation. [44] Once the reproduction of a work is legally distributed into circulation, the copyright holder has no right to control the further circulation of the reproduction. [45] That is to say, if a person purchases a book in a store within the territory of the Russian Federation, he can freely give, resell or exchange this book. If one "distributes" others' works without the permission of the copyright holder and without infringing upon the "distribution right", it will constitute a direct infringement of the "distribution right". [46] For example, a judgment made by the Russian Intellectual Property Court in 2021, the infringer used the "Ждуна" character image without the authorization of the original

sculpture author, more specifically, sold T-shirts, mugs and badges printed with its image online, was determined to infringe the exclusive right [47].

(2) Importing the original or copies of works for the purpose of distribution. The permission to import works means that the author can import the original or copies of the works to the Russian Federation. However, it should be clearly noted that Russia allows such importation, and the main purpose is to meet personal use rather than for the dissemination and sale of the works. Additionally, the exhaustion of the distribution right principle does not apply to those works that have entered the circulation field abroad but have not yet been put into circulation within the Russian Federation. The dissemination behavior of such works is not subject to this principle. For example, if a certain book has entered the civil circulation field in other countries, but someone imports the copies of the book into Russia without the consent of the author and uses them for dissemination, this behavior constitutes an infringement of the author's exclusive rights.

(3) Leasing. Leasing the original or copies of works means providing them to others for temporary use on a paid basis. It is important that the author should recover the property and the rent after a certain period. According to Article 626 of the Russian Federation Civil Code regarding lease contracts, "According to the lease contract, the lessor leases the property as a long-term business activity, promising to provide movable property to the lessee for temporary possession and use." Therefore, without charging any fees, there is no need to obtain the consent of the rights holder for the lease. In addition, the law also clearly stipulates that leasing does not apply to computer programs, except in cases where the program is the main subject of the lease.

Communication-related Works. The Russian Federation Civil Code stipulates: "Issuing a work refers to the act of selling or otherwise transferring the original or copy of the work." Additionally, in Article 1268 of this code regarding the publication right of the author's personality rights, the definition of publication is provided:

In the copyright property rights system, there is a category of rights collectively referred to as "distribution rights", which regulate the behavior of enabling the public to access the content of a work without transferring the ownership or possession of the physical carrier of the work [48]. Due to the diverse types of behavior targeted by distribution rights, as well as the different classification standards in various countries, the exclusive rights that can be classified under the "distribution rights" category vary significantly in quantity and definition across different countries. In Russia, "distribution rights" are subdivided into five types: public display, public performance, wireless broadcasting, wired broadcasting, and dissemination to the public.

(1) Public display. According to the provisions of the Russian Federation Civil Code, public display of works refers to the act of directly or through the use of films, slides, television cameras or other technical means, displaying the original or copies of the works on screens in places open to the public or in public places with a large number of people beyond the usual family scope. The Russian legislators classify this into two categories: the first is direct display, mainly including visual art works such as paintings, sculptures and photographic works; the second is display and screening through technical means, mainly for audio-visual works. Screening is the act of publicly reproducing the content of the work, and it must first be achieved through technical equipment, which is what distinguishes screening from exhibitions of other works such as fine arts that are also open to the public on-site. [49] That is to say, "public display" in Russian copyright law includes the exhibition right and screening right stipulated in our copyright law. Regarding public places, Russia's understanding is similar to the "public" stipulated in Article 101 of the US Copyright Law, referring to places open to the public or public places with a large number of people beyond the usual family scope. The usual family circle includes all family members, a limited number of close friends, old acquaintances, classmates and other similar people. When determining whether someone belongs to the usual family circle, it is necessary to consider the following factors: family relationship, personal

connection, nature of the relationship, social time (friends on social media do not belong), and other related circumstances. The court will consider all these factors based on each dispute situation.

(2) Public performance. Article 11 of the Berne Convention stipulates the right of performance: "The authors of dramatic works, musical dramatic works and musical works have the following exclusive rights: (1) Authorize the public performance and performance of their works, including public performance and performance through various means and methods; (2) Authorize the public broadcasting of the performance and performance of their works." The first item, which is also the sixth category of exclusive rights stipulated in Russian legislation, "public performance of works", refers to performing works through on-site performance or through technical equipment (broadcasting, television and other technical means), as well as displaying audio-visual works (with or without sound) in places accessible to the public or in places with a large number of people but not belonging to the usual family gatherings, regardless of whether the work is received in its performance or display place or simultaneously received in other places.

Firstly, regarding the organizers of public performances, the plenary session of the Supreme Court of the Russian Federation made an explanation in 2019 [50]. The organizers of public performances of works should be legal persons or natural persons who organize public performances in public open places or in places with a large number of people within the usual family scope, that is, those who are actively responsible for organizing the relevant activities. The organizers should sign an agreement with the rights holders or collective management organizations to grant them the right to publicly perform the works and pay the corresponding remuneration. Secondly, regarding the two types of public performances, they are live performances and mechanical performances. The concept of "mechanical performance" varies depending on the different regulations of each country regarding the scope of control of the performance right. For example, the US Copyright Act considers mechanical performance to include the act of screening films and broadcasting works, while China considers it to be the act of performing the work using machine equipment and broadcasting it to the public in the open place, excluding the act of publicly screening films and transmitting the performance of the work through radio, cable, and the Internet [51]. In Russia, mechanical performance includes broadcasting, television, and other technical equipment. Additionally, Article 1273 of the Russian Civil Code stipulates that when performing audio-visual works in public places freely accessible to the public or in public places with a large number of people beyond the usual family scope, recording the audio-visual works does not belong to the free reproduction of the work for personal purposes.

(3) To disseminate to the public. From a historical perspective, the emergence of this right is an inevitable result of technological progress and the development of the Internet. The broadcasting right first stipulated in the Berne Convention in 1928 has been unable to adapt to new circumstances. Against this background, the World Intellectual Property Organization Copyright Treaty (abbreviated as WTC) emerged [52]. Article 8 of the WTC stipulates the right to disseminate to the public: "The author of literary and artistic works shall have the exclusive right to authorize the dissemination of his works to the public by wired or wireless means, including making the works available to the public so that members of the public can access these works at their selected locations and times." In 1993, Russia did not stipulate the use method of "dissemination to the public" in the Copyright and Adjacent Rights Law. It was included in the Russian Civil Code in 2006, becoming the last type of exclusive rights stipulated for works. It is defined in the law as: "To disseminate to the public" in the sense of any way that allows anyone to access the work at their own selected time and place (dissemination to the public), that is, interactive dissemination, which is different from live streaming and broadcast behaviors. This provision specifically targets the special way of using works in the Internet and other computer networks, similar to the "information network dissemination right" stipulated in China. To achieve interactive dissemination, the following conditions must be met: First, the work must be in digital form; if the work is not in digital form, it needs to be "digitized", for example, paintings or manuscripts are converted into digital form through scanning; second, the work must be published on

the Internet, that is, using the information network to transmit the work to the remote end; third, this behavior must be interactive, that is, the public can obtain the work according to their own needs "on demand". Compared with other rights, the "dissemination to the public" as a usage method is regarded as another subsequent level, which is its logical continuation and manifestation in the digital environment.

(4) Broadcasting. Russia divides broadcasting rights into two categories: the 7th category exclusive right "wireless broadcasting" and the 8th category "cable broadcasting", and within the 8th category, retransmission is also stipulated. The Russian Federation Civil Code defines broadcasting as: "Broadcasting refers to any act that makes a work accessible to the auditory and visual senses, regardless of whether the public accepts it." Wireless broadcasting means broadcasting the work to the public through radio or television, excluding cable broadcasting. Cable broadcasting means broadcasting the work to the public through broadcasting or television via cables, wires, optical fibers or similar equipment. Broadcasting via satellite is understood as receiving signals from ground satellite stations and transmitting signals from satellites. If decoding equipment is provided by the wireless broadcasting organization or with its consent to unlimited range groups, it is regarded as wireless broadcasting; otherwise, it is cable broadcasting [53]. The 2014 amendment added retransmission, that is, receiving and simultaneously broadcasting completely unchanged radio or television programs or their substantive parts from wireless or cable broadcasting organizations. Russia chose to legislate the dissemination to the public separate from broadcasting because the difference between the two lies in: the former is when users actively search for available works on the Internet; while the latter is when the owner of the work "disseminates" the work through broadcasting or cable television. [54] As Professor A. P. Makovsky, the vice-chairman of the Russian Federation Presidential Private Law Research Center, said: "If it involves the first time broadcasting through the Internet, then such broadcasting does not constitute the use of broadcasting as an object of intellectual property rights. However, if the broadcasting is first broadcast through radio waves and then recorded for dissemination to the public, it constitutes a use act." [55]

Derivative Works. Translate or make other adaptations of the work. The Russian Federation Civil Code stipulates: "Adaptation refers to creating derivative works (reorganizing, filming into movies or TV, adapting music, adapting dramas and similar works). The adaptation (modification) of computer programs and databases (editing), includes any alteration behavior, including translating the computer program or database from one language to another, but excluding adaptive modifications, that is, changes made specifically to enable the operation of the computer program or database under specific technical equipment or program control. It can be seen that translation and adaptation of works have the following three characteristics: First, translation and adaptation of works have an objective form; second, the work has a certain degree of creativity, and the creative process and intellectual labor of human beings are integrated into it; third, although the work has been adapted, there is a clear connection with the original work. The law only stipulates a few forms of adaptation, but this does not mean that the listing is closed; on the contrary, it is open. Regarding derivative works, Russian legislators did not divide them into four rights such as translation right, adaptation right, production right and compilation right according to different adaptation objects, as in China. Instead, they classified them together and legislated uniformly.

5. SUMMARY: THE IMPLICATIONS OF RUSSIAN COPYRIGHT LAW FOR CHINA.

The copyright property rights are also known as the "economic rights" in copyright. Authors and other copyright holders have the right to utilize the works in specific ways and thereby obtain economic benefits. The Russian system for copyright property rights is centered around the "exclusive right". On one hand, the exclusive right clearly states that intellectual property embodies the exclusive intellectual achievements of the author, so the author can obtain economic benefits by transferring

their exclusive intellectual achievements. This process is the manifestation of copyright property rights. At the same time, the exclusive right also clearly states the inseparability of the author and the intellectual achievements, because of this inseparable attribute, the author's identity right and author's attribution right cannot be transferred and disposed of along with the transfer of the intellectual achievements and the corresponding benefits. With the exclusive right system as the core of copyright property rights, it lies in being able to clearly define the property attribute of copyright while also hinting at the personal attribute of copyright.

In China's copyright law, "exclusive right" has not been included in the legislation. The copyright law is recognized as a new type of civil right object independent of property rights, creditor's rights, and personal rights. In fact, using the exclusive right to construct the copyright system can obviously more clearly explain this particularity of copyright: because of the exclusivity of intellectual achievements, the author must have rights based on the person that others cannot enjoy; and the object of exclusivity, intellectual achievements, can be regarded as an intangible property for benefits, thus property rights and personal rights here achieve a mutually integrated and inseparable unity, that is, they merge to form copyright, and this integration is based on intellectual property rights. Some scholars have attempted to explain China's copyright law by introducing the exclusive right [56], but in the current legal framework, China has not explicitly defined the exclusive right through legislation. Introducing the exclusive right is conducive to clarifying the special position of copyright in the private rights domain, and is also more conducive to clarifying the ownership of intellectual property rights and better responding to the complex intellectual property disputes.

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