

SUBMITTED BY THE EXPLANATORY DICTIONARY OF SPECIAL TERMS
AND EXPLANATIONS IS DESIGNED TO INTRODUCE NON-SPECIALISTS
AND BEGINNERS IN THE SPHERE OF COPYRIGHT AND RELATED
RIGHTS.

SOURCE:

THE LAW ON “COPYRIGHT AND RELATED RIGHTS” OF THE
REPUBLIC OF AZERBAIJAN (№115-1Q 5 JUNE 1996)

- **“author”** – a natural person who created a work;
- **“audiovisual work”** – a work consisting of a fixed series of inter-related video frames (accompanied with or without a soundtrack) which is intended for visual or auditory perception and transmitted via specialized technical devices; audiovisual works – irrespective of initial and following fixation means – include cinematographic works and other works fixed by the means like cinematographic means (TV films, video films, diapositive films etc.);
- **“database”** – an aggregate of systemized data (articles, calculations, facts and other materials), in which the selection and placement of components result from creative work and the components of which can be found and analyzed via computer (ECM);
- **“reproduction”** – manufacturing of one or more specimens of a work or phonogram in any material form, including audio and video recording forms. Recording of works and phonograms in electronic (including digital), optical or other computer-readable form for temporary or permanent storage is also considered reproduction;
- **“fixation”** – embodiment of sounds and (or) moving images with the help of special technical means on the appropriate material medium that allows their perception, reproduction or notification many times;
- **“producer of an audiovisual work”** – a natural person or a legal entity that undertakes the initiative and responsibility for the producing of audiovisual work. Unless proven the contrary a natural person or a legal entity whose name is denoted in an audiovisual work in the usual way shall be considered producer of an audiovisual work;
- **“play director”** – stage manager of audiovisual work and a person staging theatrical, circus, puppet-show, variety, TV performances and other performances or giving structure to such performances;
- **“pirated product”** – copies of work or phonogram made (produced) and distributed without the consent of right holder;

- **“phonogram producer”** – a natural person or a legal entity that undertakes the initiative and responsibility for the first recording of performance or other sounds. Unless proven the contrary, a natural person or a legal entity whose name is denoted in that phonogram and (or) on its casing in the usual way shall be considered the phonogram producer;
- **“performer”** – an actor, singer musician, dancer or other person who acts, sings, recites, declaims, plays a musical instrument, or otherwise performs works of literature and art (including variety, circus acts or puppet-shows);
- **“computer”** – is an electronic or similar device having information-processing capabilities;
- **“computer program”** – a set of instructions expressed in words, codes, schemes or in any other form, which is capable, when incorporated in a medium that the computer can read, of causing a computer to perform or achieve a particular task or result. Computer program also includes preparatory materials obtained during its preparation and audiovisual images generated by the program;
- **“collective work”** – is a work that is created by two or more natural persons with the initiative and under supervision of a natural person or a legal entity on condition that the work shall be published under latter’s name;
- **“derivative work”** – translations, adaptations, quotations, annotations, essays, commentaries, dramatizations, arrangements, remaking of science, literature and artistic works;
- **“the collection”** – set of independent works as a result of creative activity with respect to the selection and placement of works;
- **“traditional knowledge”** - innovations and creativity results in the field of science, literature, art and industry resulted from intellectual activity based on tradition and safeguarded by transferring from generation to generation;
- **“disclosure to the public of a work”** – an action accomplished upon the consent of the author that makes a work available to the public for the first time through publication, public demonstration, public performance, broadcast and other methods;
- **“publication”** – putting copies of a work or phonogram into circulation with the consent of the author of work or phonogram producer to meet the needs of public; providing an opportunity to use work and phonogram via electronic-information system tools shall be also considered publication;
- **“program of broadcasting organization”** – a program created by air or cable broadcasting organization itself or with its funding by another organization;

- **“work of applied art”** – a work of art including hand-made or created by industrial means for daily use, or one applied to objects so used;
- **“photographic work”** – is a recording of light or other radiation on any medium from which an image may be produced irrespective of the fixation technique (chemical, electronic etc); a still picture extracted from an audiovisual work shall not be considered a photographic work;
- **“public performance”** – presentation of works, performances, phonograms, broadcast organization transmissions by declamation, playing, singing and other method both in live performance and via any devices or processes (except for air and cable transmission) in places that are or can be attended by persons not belonging to members of family or close acquaintances of this family;
- **“public display”** – any demonstration of the original or specimen of a work, performance, broadcast organizations program either directly or on screen by means of a film, slide, frame (except for air and cable transmission) or via other devices or processes that can be perceived by the persons not belonging to members of a family or close acquaintances of this family. Demonstration of separate frames of audiovisual work without observance of their sequence shall also be considered public display;
- **“free use”** – giving the ownership right of the original or specimen of the work for a certain time to the libraries, archives or other organizations which are serving to the people free of charge.
- **“communication to the public”** – any demonstration, performance, radio or telecasting, or any other activity (except for distribution of specimens of work or phonogram) of works and related rights objects making it possible for the images and sounds to be perceived by persons irrespective of whether or not the said persons can perceive the images or sounds;
- **“public communication”** – making available to the public of works and related rights objects by broadcasting, cablecasting, also irrespective of perceive of communication, via any other method making it available including interactive method (except for distribution of specimens of work and related right objects);
- **“interactive public communication”** – making available to the public of works and related rights objects according to personal choice of persons at any place and any time;
- **“distribution of works and related rights objects”** – making available of the original or copies of a work or an object of related rights to the public by sale or other transfer of ownership;

- **“technological protection measures”** – any technological device or its component that is designated to prevent or restrict acts in respect of works or related rights objects which are not authorized by owner of rights and that allows to keep under control the accession to works or related rights objects;

- **“rights management information”** – information which identifies *the work, the author of the work, the owner of any right in the work, or information about the terms and conditions of use of the work*, and any numbers or codes that represent such information, when any of these items of information is attached to a *copy of a work* or appears in connection with the *communication of a work to the public*

- **“reprographic reproduction”** – facsimile reproduction of any size (including enlarged or reduced) of the original of a written or other graphic work or a specimen thereof by photocopying or other similar methods, except for publication;

- **“rental”** – the transfer of the possession of original or copy of a work, phonogram or an object protected under this Law for a limited period of time, and for direct or indirect economic or commercial advantage;

- **“joint work”** – a work created by two or more authors, except for collective works, as stipulated in this article;

- **“communication to the public by broadcast”** – communication to the public of works, performances, phonograms, programs of broadcasting organizations by radio and television (except for cable television) also via satellites. Communication to the public of works, performances, phonograms, programs of broadcasting organization through air via satellite means reception of signals sent from earth by satellite and making available to the public of works, performances, phonograms, programs of broadcasting organization through those signals irrespective of whether public receipts it or not. Transmission of encrypted signals shall be considered broadcasting where the means for decrypting are provided to the public by the broadcasting organization or with its consent;

- **“communication to the public by cable”** – communication to the public of works, performances, phonograms, programs of broadcasting organizations by cable, wire, optical conductor and other analogous means;

- **“phonogram”** - any exclusively aural fixation of sounds of a performance and of other sounds;

- **“copy of a work”** - specimen of a work, produced in any material form;

- **“copy of a phonogram”** – specimen of a phonogram on the appropriate material medium produced directly or indirectly from this phonogram and containing all sounds or a portion of the sounds fixed on the phonogram;
- **“retransmission”** – broadcasting (cablecasting) of program of broadcasting organization by another broadcasting organization simultaneously.