

SUMMARY

Key Words: civil procedure, private law disputes, court of General jurisdiction, preparation of the case for consideration, preliminary hearing, settlement agreement

Subject matter: «Methods of copyright protection under Russian law: problems of law enforcement»

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The relevance of the research topic According to the basic law of the Russian Federation - the Constitution of the Russian Federation, every citizen is guaranteed freedom of literary, scientific, artistic, technical and other types of creativity, and intellectual property is protected by law. Regulation of relations in the field of copyright belongs to the exclusive jurisdiction of the Russian Federation. The extreme importance of the protection and enforcement of copyright for the economic and cultural stability of Russia is noted in the Resolution of the Plenum of the Supreme Court of the Russian Federation of June 19, 2006, No. 15 "On issues that have arisen in courts when considering civil cases involving the application of copyright and related rights".

Protection of copyright and related rights of the creators of creative intellectual objects and values should be one of the most protected and regulated by the state public spheres. Copyright is attributed to the most important human rights a fundamental international treaty - the Universal Declaration of Human Rights of 1948, which reflects the main, necessary and constant prerequisite of copyright: on the one hand, information, results and objects of intellectual creativity should be publicly available for humanity, but on the other parties, society is obliged to protect and respect the rights of the authors of such works. It is these principles that are signs of a civilization society in the times of rapidly developing technologies and the globalization of the flow of information.

Copyright is the main component of intellectual property, extending to literary, scientific, artistic musical, photographic works, works of architecture, computer programs, etc. While they are the property of the creators of such creative objects, at the same time, in general, they constitute the valuable intellectual resource of their state and the creative heritage of all mankind. Consequently, the task of each state is to continuously and systematically promote creativity, as the basis for the development of a civilizational society, by creating the most effective mechanism for protecting and protecting copyrights, as well as developing cultural industries that promote the spread of creative works and provide authors with livelihoods. Improvement of national legislation in the field of copyright contributes to a respectful attitude to the labor of others, to the rights of authors and forms the intellectual potential of society.

Today, in the Russian Federation, the regulation of relations between users of creative works and their authors is at the development stage. Several federal laws have been adopted aimed at building a mechanism for protecting copyright, to which Part 4 of the Civil Code of the Russian Federation is devoted, but the implementation system itself does not work at a sufficiently high level. This is especially noticeable in the area of copyright infringement on the Internet. Legislation does not keep pace with the rapid development of new ways of copyright infringement.

The purpose of the work: an analysis of legislative regulation, regulatory framework and methods of protection of rights in the field of copyright in the Russian Federation.

Objective: To investigate the historical basis and stages of the legal regulation of copyright protection in the Russian Federation, to reveal the concept of the object of copyright protection; analyze the legal basis and content of copyright protection; determine the types of copyright infringements and classify them; to study the institute of civil liability in the field of copyright; to analyze the theory and practice of protecting and protecting copyright and related rights within the framework of Russian legislation; identify current copyright protection issues on the Internet.

The theoretical and practical significance of the research lies in the fact that its findings characterize the current situation and problems in the field of copyright protection in the Russian

Federation, as well as ways to solve them. The conclusions made in this work can be used to further improve Russian legislation in the field of intellectual rights.

Results of the study:

1. With the change of historical periods, the understanding of copyright and its object also changed. Summing up the opinions of various scholars of civil law, copyright is a branch of civil law that regulates social relations, the main content of which is the creative creation of products (works) of the non-material sphere that have aesthetic value and reflect the individual, exclusive vision of the author.

2. The legal framework for the sources of copyright protection in the Russian Federation is spearheaded by international treaties in this area, namely the 1973 Geneva International Copyright Convention and the 1886 Bern Convention for the Protection of Literary and Artistic Works. In the framework of national legal norms, the Constitution of the Russian Federation contains basic norms of copyright, and the Civil Code regulates and protects copyright relations.

3. Infringement of copyright implies the distribution of copyrighted material without the permission of the copyright holder. To date, the most common types of copyright infringement are the following actions: creating a copy of a work and selling it, creating a copy and transferring it to someone else, in some cases reselling a legally acquired copy and assigning someone else's authorship to the work.

4. Civil liability for copyright infringement, like any civil liability is one of the types of legal liability. It represents the legal consequences of non-fulfillment of obligations established by the rules of civil law, of which copyright is a part. Sanctions for copyright infringement are: damages, compensation, including compensation for moral damage.

5. Protection and protection of intellectual property rights, which include copyright, are a set of measures aimed at the recognition and restoration of rights that have been violated. In the framework of civil law, methods of protection and protection of copyright and related rights are: recognition of the right; suppression of actions violating the right or creating the threat of its violation; damages, as well as the publication of the court decision on the violation, indicating the actual owner.

6. In the current Russian realities of rapid development and high level of information accessibility, there is a big problem of protecting information on the Internet. To date, the situation is gradually improving. Lawmakers have begun work on a new mechanism to combat the trafficking of illegal content and strengthen the legislative system of protection. Several federal laws have been adopted that are aimed at the legal settlement of relations in the information and telecommunications network.

Recommendations:

1. The main problem of copyright protection in Russia is delayed regulatory response to significant technological change in the world. The system of information exchange is developing rapidly, more and more new ways of using products of intellectual work are being created on the Internet. Legislators are gradually creating norms that regulate attitudes in the field of copyright on the Internet, but these norms require certain improvements, like the entire system of copyright protection in the information and telecommunications network.

2. It is necessary to expand the list of objects protected by copyright right So, it is worth adding Internet sites to such objects as an independent creative object, as today the authors of Internet sites are deprived of legal protection.

3. It is necessary to expand the competence of the law to photographic works and works obtained by methods similar to photographs, as well as trademarks and service marks, since modern legislation does not extend protection measures to these objects.