

QUESTIONNAIRE

A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?

In Mongolia, Copyright registering body is implementary agency of the Government of Mongolia Intellectual Property Office of Mongolia.

2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.

Contact details : Baga Toiruu-49, Ulaanbaatar-46, Mongolia.

Fax:976-11-327638, [Tel:976-11-327267](tel:976-11-327267)

Working hours are from 9 a.m to 18 p.m , Lunch time 1-2 p.m

3. Does the copyright registering/ recording body have a webpage and e-mail address? If so please list them.

Our web address is www.ipom.mn and e-mail address is ipom@magicnet.mn

4. Is the copyright registry interconnected to any other copyright data system?

There is no interconnected data system in copyright registry at the moment.

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

- Copyright and Related right Law on Mongolia
- Regulation of registration and saving of copyrighted works.

6. What kind of copyright works can be registered/recorded? Is the registration/recordation process different for each type of copyrighted work? Please describe the differences, if any.

Following works can be registered and there is no different for each type of copyrighted work.

- all types of scientific and literary works whether in verbal or written form, including computer programs;
- all types of musical works whether with or without lyrics;
- all types of works of fine art;
- works of decorative, applied and theatrical arts;
- works of architecture and sculptures;
- all types of choreographic works, works of contortionists and pantomime;
- all types of dramatic and dramatico-musical works created for the stage art;
- all types of photographic works and works created by methods similar to photography;
- audiovisual works;
- derivative works;

- glossaries, references, compilations and databases that are considered to be intellectual works by its structure and contents and have been created through creative activities such as selection and placement of materials;
 - derivative works based on the works of folklore.
- All works registering process is the same.

7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recording) also be registered/recorded? If yes, is there a different registration process than for works protected by copyright?

Yes, but there is no different registration process between copyright and related rights.

8. Is there a possibility to record the transfer or licensing of copyright/related rights?

According to the Copyright and related right law of Mongolia, if owner and author of works want to register his or her transfer or licensing of copyright it possible to register to the IPOM.

9. Is there a possibility to record a security interest in the copyright or related rights? If so, what are the legal requirement and effect of such recordation?

Some owners have security interest in the their work

10. What is the legal effect of registration?

The copyright certification is one of the evidence when author's making the lisencing agreement and in disputes in a court.

11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?

- a. Recognition of creation? Yes
- b. Transfer of rights? Yes
- c. Initiation of judicial proceedings? Yes
- d. Other changes in title/ownership? Yes

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?

Yes, the courts recognize copyright regsitration because works has been protected by copyright law and registration under the voluntary. The recognition automatic and local procedure does not give effect to the foreign registration.

13. What are the requirements for registration?

a) What are the mandatory elements of the request for registration/recordation?

First applicants must be fill in application form for registering his or her works and need to write the brief introduction of his or her works, and required 2 examples of works for the deposit.

- b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?

Specific form needed to be requested. But it should be possible to be submitted by the post and not possible electronically (e-mail, fax etc).

- c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?

Two copies of the works be submitted with registration request. It cannot be submitted in digital form.

- d) Is there a registration recordation fee? If so, how much is the registration fee? If so, how much is the registration fee?

Yes, there is a registration fee. The fee is 20000 tugrugs to 30000 tugrugs and it depends on the kinds of works.

- e) What is the average time taken to complete the registration/recordation process?

Average time to complete the registration process is about 1 month.

14. Are the foreigners allowed to register/record their creations? Are people without legal residence in your country allowed to register their creations? Is there a different registration process for domestic as opposed to foreign works or objects of related rights?

Yes, foreigners are allowed to register their works and without legal residence people can be registered their works. There is no different process between domestic and foreign works. Related rights registration is similar.

15. Are the files stored in digital form?

The files are not stored in digital form.

13. What criteria are followed for classification of the registrations/ recordation (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? Is it possible to correct or update relevant information?

If the author or owner wants to register his or her work in digital form it can be registered. In that case he or she would deposit two copies of that digital work in CD or another form.

There is no classification of the registration.

It's possible to correct or update relevant information.

14. Does the system have a search facility?

The system has no search facility.

15. Is it accessible by the public? Is the search facility available online?

It's no accessible by the public and no search facility available online.

16. Is access granted to the work registered or its copies?

IPOM has the obligations for supplying by information registered work and it's copies.

17. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?

The general public don't have access to documents submitted or to any information regarding the work registered.

21. Does your country have legislation dealing specifically with "orphan works", i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.

In Mongolia hasn't regulation or legislation dealing specifically with "orphan works".

22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of "orphan works"?

No

23. Does the registering/recording body play a relevant role in the legislation or practice dealing with "orphan works"?

No

24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?

IPOM publishes registered work's information in the official bulletin, monthly.

25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?

26. Please provide statistics on following registrations/recording's:

(a) Number per statistical period (last five years)

2005	240
2006	301
2007	359
2008	352
2009	405

(b) Number per nationality (last five years)

No	YEAR	NATIONALITY	NUMBER
1	2006	USA	1
		JAPAN	1
		TURKISH	1
		MONGOLIAN	298
2	2007	INDONESIA	1
		JAPAN	2
		MONGOLIAN	356
3	2008	USA	1
		FRANCE	1
		MONGOLIAN	349
4	2009	INDIA	2
		RUSSIA	2
		MONGOLIAN	405

(c) Number of inquiries/requests for information filed per statistical period (last five years).

Last five years around 65 inquiries/requests information received and

to answered.

- (d) Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)

There is no public domain works in the works registered since 2005.

B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

Mongolia has legal deposit system for books.

28. Please list relevant national legislation regulating the legal deposit.

According to the Decree № 124, of 30 May 2005, of President of Mongolia, Mongolian National Library is the organization for legal deposit.

29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

The legal deposit is voluntary in my Country.

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

The functions performed by our national legal deposit system are preservation of cultural heritage and access to knowledge to the public.

31. Is there any connection or interaction among legal deposit and copyright protection?

There is no any connection and interaction among legal deposit and copyright protection.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

Print Material, such as books, serials, government publications, newspapers are the object to legal deposit.

34. Does legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad?

No. legal deposit doesn't apply upon production/printing of content its distribution.

There is enough in fixed form of any work.

35. Is there any type or category of material exempted from legal deposit for policy reasons?

No

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.

There is no specific regulation in regard to material published in electronic format.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or *de luxe* editions?

Depositor has to deposit two copies of work. There is no special conditions for limited editions.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

Culture and Art Committee of Ministry of Education, Culture and Science is responsible for delivering the legal deposit.

39. What are the time requirements for legal deposit?

There is no time requirement for legal deposit.

40. Is there a payment or compensation involved in legal deposit? If so, Please indicate its amount.

Is there no any payment or compensation involved in legal deposit.

41. What is/are the entity/entities responsible for acting as legal depository?

Mongolian National Library is responsible for acting as legal depository.

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

Yes, Public has access to legally deposited materials. Public can access to deposited materials in library and if he or she want to get out he or she has to pay the pledge.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

Depository provides available publicly search facilities. But they not accessible on-line.

44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

Legal deposit not linked to any number or code.

Separate legal entity gives ISBN. /Library of Medical University/

45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

Statistics on the number of deposit for print material

2005	5944
2006	6329
2007	6243
2008	6175
2009	3640

No deposit for musical and audiovisual works