

**L. Tatarinova<sup>1</sup>, L. Kamalova<sup>2</sup>, M. Chokina<sup>1</sup>**

<sup>1</sup>University of international business, Kazakhstan, Almaty, e-mail: dove\_2003@mail.ru

<sup>2</sup>Kyrgyz National University named after J. Balasagyn, Bishkek, Kyrgyzstan

## THE PROBLEMS OF PROTECTING THE RIGHTS OF HEIRS OF INTELLECTUAL RIGHTS IN COURT

This article is devoted to the analysis of problems arising in the process of judicial protection of intellectual property rights of heirs. The article, on the basis of doctrinal and legal sources, confirms the absence of the right for the heirs of the author to demand moral compensation in case there is a limit to the work of the author or the artisans, which is one of the practices to protect the judiciary.

In addition, the authors determined that in the presence of a judicial dispute concerning the privacy rights of a particular individual, this fact could be verified. by any evidence, including an alienation agreement, and the presence of the corresponding state registration. Also, during the preparation of this article, the authors have made a decision that status of the heir of exclusive rights is determined by the conceptual difference in the rights included in the estate, that is, property rights or non-property, and also directly depends on the limits of rights and duties of the testator, which determines the methods used judicial protection. At the same time, the study made it possible for us to realize that, despite the presence in the Republic of Kazakhstan of a number of legislative provisions regulating the issue the scope on the rights of each holder of exclusive rights to judicial protection, it remains an urgent problem.

**Key words:** protection, court, author, intellectual property, exclusive right.

Л. Татаринава<sup>1</sup>, Л. Камалова<sup>2</sup>, М. Чокина<sup>1</sup>

<sup>1</sup>Халықаралық бизнес университеті, Қазақстан, Алматы қ., e-mail: dove\_2003@mail.ru

<sup>2</sup>Ж. Баласағын атындағы Қырғыз Ұлттық Университеті, Қырғызстан, Бишкек қ.

### Сотта зияткерлік құқық мұрагерлерінің құқықтарын қорғау мәселелері

Бұл мақала мұрагерлердің меншіктік құқығын сот процесінде қорғау мәселелерінің сараптамасына арналған. Мақалада доктриналды және құқықтық қайнар көздер негізінде автор мұрагерлерінің автордың немесе туынды орындаушысының жеке меншіктік емес құқықтарының бұзылуы кезіндегі моральдық өтемақы талап ету құқығының соттық қорғау тәсілдерінің бір түрі ретінде жоқтығы расталады.

Бұдан басқа, авторлар нақты адамға айрықша құқықтың тиесілігі туралы сот дауы болған кезде, бұл факт кез келген дәлелдемелермен, оның ішінде иеліктен шығару шартымен және тиісті мемлекеттік тіркеудің болуымен расталуы мүмкін. Сондай-ақ, осы бапты дайындау кезінде авторлар айрықша құқықтардың мұрагері мәртебесі мұрагерлік массаға кіретін құқықтардың, яғни мүліктік құқықтардың немесе мүліктік емес құқықтардың тұжырымдамалық айырмашылығымен анықталады, сондай-ақ мұра қалдырушының құқықтары мен міндеттерінің көлеміне тікелей байланысты болады деген қорытындыға келді, бұл сот қорғауының пайдаланылатын тәсілдерін айқындайды. Сонымен қатар, жүргізілген зерттеу Қазақстан Республикасында сот қорғауына айрықша құқықтардың әрбір иесінің құқықтарының ауқымы туралы мәселені реттейтін бірқатар заңнамалық ережелердің болуына қарамастан, өзекті мәселе болып қалатынын түсінуге мүмкіндік берді.

**Түйін сөздер:** қорғаныс, сот, автор, зияткерлік меншік, айрықша құқық.

Л. Татаринава<sup>1</sup>, Л. Камалова<sup>2</sup>, М. Чокина<sup>1</sup>

<sup>1</sup> Университет международного бизнеса, Казахстан, г. Алматы, e-mail: dove\_2003@mail.ru

<sup>2</sup> Кыргызский национального университета им. Ж. Баласагына, Кыргызстан, г. Бишкек

### Проблемы защиты прав наследников интеллектуальных прав в судебном порядке

Данная статья посвящена анализу возникающих в процессе судебной защиты интеллектуальных прав наследников проблем. В статье на основе доктринальных и правовых источников

подтверждается отсутствие права у наследников автора требовать моральной компенсации в случае нарушения личных неимущественных прав автора или исполнителя произведения, как одного из способов судебной защиты.

Более того, авторами определено, что при наличии судебного спора о принадлежности конкретному лицу исключительного права данный факт может подтверждаться любыми доказательствами, в том числе и договором отчуждения, и наличием соответствующей государственной регистрации. Также, при подготовке данной статьи авторы пришли к выводу, что статус наследника исключительных прав определяется концептуальным различием прав, входящих в наследственную массу, то есть имущественные права или неимущественные, а также напрямую зависит от объема прав и обязанностей наследодателя, что и определяет используемые способы судебной защиты. В то же время, проведенное исследование дало нам возможность осознать, что, несмотря на наличие в Республике Казахстан ряда законодательных положений, регламентирующих вопрос о масштабах прав каждого обладателя исключительных прав на судебную защиту, остается актуальной проблемой.

**Ключевые слова:** защита, суд, автор, интеллектуальная собственность, исключительное право.

## Introduction

Current civil law regulates all legal relations in the field of rights and obligations of authors, their heirs and other subjects of inheritance relations. However, given the various approaches to the legal status of these entities, various features in the implementation of protection mechanisms, including judicial protection of the intellectual rights of authors and their heirs, problems arise, the solution of which depends on both the national legislation of the Republic of Kazakhstan and the norms of international law arising from international documents to which the Republic of Kazakhstan is a party.

## Research methodology

The methodological basis of this research consists of such General scientific methods as dialectical and deductive methods, system approach and analysis, methods of epistemology, formal logic, and social management.

In addition, special research methods were used: comparative legal and statistical methods, which include a detailed analysis of the existing practice of developed countries with a reorientation of the main conclusions to the Kazakhstan's legal system, as well as specific sociological and formal legal methods.

## Discussion

The issue of inheritance of exclusive rights is known to all legal systems, which is confirmed, among other things, by the legal doctrine, and also by the judicial practice concerning the comics Spawn,

Captain America, Wonder Woman, and Superman, the ownership of which became the subject of lawsuits (Spelman K.). All disputes are caused by imperfect legal provisions and the absence of the testator's legitimate desire for exclusive rights.

Proper planning of the transition of exclusive rights from the testator-author to the heirs or other rights holders will allow you to control the process of selecting the subjects of inheritance of the analyzed rights, namely: who will own and manage the intellectual property of the author after his death (Haskins J.). A similar need is dictated by the fact that after the death of the author, a person who has received the exclusive right to a work has the right to use it. However, it is immediately necessary to stipulate that such a right will not be realized to the extent that the author himself could or could do it. This view is supported by Jeffrey Evans Stake (Jeffrey Evans, 1998) and other authors (Robert E., 2008.; Kelly Casey, 2013C:\User\Downloads\SSRN-id2704057.pdf; Eva E. Subotnik 2015: 77-125; Nordemann, J. B., Czychowski, C., & Gruter, A. W., 1998: 99-105.; Naomi Korn, 2005: 35).

Judicial protection is a universal mechanism for ensuring human and civil rights, including the intellectual rights of the author and his heirs.

The current Civil Code of the Republic of Kazakhstan contains general provisions on intellectual property (Articles 961-965, Articles 968, Articles 969 of the Civil Code of the Republic of Kazakhstan), as well as special provisions on the protection of exclusive rights (Article 970 of the Civil Code of the Republic of Kazakhstan). In addition, the protection of exclusive rights is carried out not only by the norms of the Special Part of the Civil Code of the Republic of Kazakhstan, but also by the norms of such laws as: Law of the

Republic of Kazakhstan "On Copyright and Related Rights" dated June 10, 1996 No. 6-1. As amended by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 419-V // Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 8-9, Art. 237., Patent Law of the Republic of Kazakhstan (Patent Law of the Republic of Kazakhstan dated July 16, 1999 No. 427. In edition of Law of RK dated 07.04.2015 n 300-V // Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 20. - Article 718; 2004-no. 17. - St. 100.), The law of the Republic of Kazakhstan on trademarks [the Law of the Republic of Kazakhstan "on trademarks, service marks and names of places of passage of goods" of July 26, 1999 N 456 In edition of Law of RK dated 07.04.2015 n 300-V // Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 21. - Article 776; 2004-no. 17. - Article 100), law on topology (Law of the Republic of Kazakhstan" on legal protection of topologies of integrated circuits " of June 29, 2001 No. 217. In the wording of the RK Law dated 12.01.2012 № 537-IV // Bulletin of the Parliament of the Republic of Kazakhstan, 2001, № 13-14. - St. 181], the Law "On protection of selection achievements" (the Law of the Republic of Kazakhstan "On protection of selection achievements" as of July 13, 1999 # 422-I. In edition of law of RK dated 27.11.2015 No. 424-V // Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 19. - Article 655; 2004-no. 17. - article 100.) and others.

According to the norms of these legal acts infringed intellectual property rights of authors and their heirs are restored through judicial protection in various forms, starting from recognition and ending with payment of compensation (article 9 of the RK civil code, article 49 [the Law of the Republic of Kazakhstan "On copyright and related rights" of June 10, 1996 № 6-1. In edition of Law of RK dated 24.11.2015 No. 419-V // Bulletin of the Parliament of Kazakhstan, 1996, No. 8-9, article 237.], article 14 of the Law "on legal protection of integrated circuit topologies " [law of the Republic of Kazakhstan" on legal protection of integrated circuit topologies " dated June 29, 2001, No. 217. In the wording of the RK Law dated 12.01.2012 № 537-IV // Bulletin of the Parliament of the Republic of Kazakhstan, 2001, № 13-14. - V. 181]).

The process of choosing a particular protection method is based on two aspects, namely: it is directly provided for in a specific legal act of the state or is determined by the specifics of the protected law and the nature of the violation. But it is important that the right holder makes a direct choice of one

or another method of protection, and this rule is a general principle in the subject under study. This point of view is not only traced in the norms of current legislation, but also supported by civil scientists (Simkin L. S., 1997:78; Andreev Yu. N., 2010: 30-51).

Despite the existence of a significant amount of legislated provisions aimed at protecting exclusive rights, the issue of protecting the rights of heirs of exclusive rights remains open, which causes discussions and difficulties in law enforcement.

*Currently existing as in the Russian Federation (Polozova D., 2014:21-28.),* as in the Republic of Kazakhstan, the system of methods of judicial protection of intellectual rights to which testators-rights holders apply is also used by persons who are heirs of intellectual rights. According to paragraph 11 of the regulatory decree of the Supreme Court of the Kazakhstan "On application by courts of any regulations of the legislation to protect copyrights and related rights" of December 25, 2007 No. 11 (Regulatory Statute of the Supreme Court, 2007 No. 11 and also in article 9 of the RK civil code (Civil code of the Republic of Kazakhstan, (1994: CC of the RK (Special part), (1999.)

In this case it is important to emphasize the reality of that, according to paragraph 30 of the above statutes, the author's heirs are not entitled to claim moral damages in case of infringement of moral rights of author or performer, and this is the explanation arising from the nature of moral rights (Normative resolution of the Supreme Court, 2007 No. 11).

If there is litigation about a specific person the exclusive rights, this fact can be confirmed by any evidence (article 63 Civil Procedure Code of the RK). Therefore, such evidence may include a contract of alienation, and the availability of appropriate state registration in cases provided for by article 1006 of the civil code of the Republic of Kazakhstan (Civil code of the Republic of Kazakhstan (Special part), 1999.)

Registration of the exclusive right to a work that passes in the order of inheritance it is implemented in accordance with Article 40 of the laws of the Republic of Kazakhstan "on notaries" (Law of the Republic of Kazakhstan "on notaries", 1997; "Rules for notarial actions by notaries"; Guidelines for providing practical assistance to notaries in solving certain issues related to inheritance., 2016).

However, when analyzing these provisions, there is some uncertainty as associated with the fact that the modern legislation of the Republic of Kazakhstan and regulatory decisions do not directly indicate

the need to request any documents confirming the existence of an exclusive right that is part of the inheritance to the work created by the testator.

As you can see, there is a conflict between the provisions of the civil code of the RK, Law of RK "On notary" (1997), the Rules for the performance of notarial acts by notaries [Order of the Minister of Justice, 2012 No. 31, No. 7447, and the Guidelines for the provision of practical assistance to notaries in resolving individual issues (Guidelines for the provision of practical assistance, 2016).

Another equally interesting aspect of judicial protection of intellectual property and right to intellectual activity results is the protection of the right of heirs to patents and trademarks. In foreign practice, the Institute of proving that they have inherited or are in the process of inheriting rights to patents and trademarks is actively used. In particular, under UK law, where heirs by law who are in the process of defending their rights in court also provide relevant evidence (Denoncourt J., 2015: 199.).

As for the meaning of the court decision on the transformative claim, it will consist in the direct confirmation of the subjective right, the state of which before the court decision was uncertain and unclear. From this we can also conclude that the heirs of exclusive rights, when entering into inheritance, may be able to file a claim for compensation, despite the fact that the author-testator during his life filed a statement of rejection of this kind of claim.

Upon further analysis of the national legislation of the Republic of Kazakhstan, we determine that paragraphs. 3 p. 1 art. 970 of the Civil Code of the Republic of Kazakhstan (Civil Code of the Republic of Kazakhstan (Special Part), 1999) there is a provision aimed at protecting exclusive rights to the results of intellectual activity and to means of individualization, including by the heirs in all ways that are provided for in the legislation in force at the time of appeal to the court.

According to subparagraph 1 of paragraph 1 of art. 970 of the Civil Code of the Republic of Kazakhstan, dedicated to the methods of protection of exclusive rights, the court may seize tangible objects through which exclusive rights were violated, and tangible objects created as a result of such a violation. Moreover, according to subparagraph 2 of clause 1 of article 970 of the Civil Code of the Republic of Kazakhstan, there is a mandatory publication of a violation, including information about who owns the violated right (Civil Code of the Republic of Kazakhstan (Special Part), 1999).

The provisions enshrined in Art. 9, Article 970 of the Civil Code of the Republic of Kazakhstan (Civil Code of the Republic of Kazakhstan (Special Part), 1999), as well as the norms of special laws (Article 14 of the Law of the Republic of Kazakhstan on topology and Article 48 of the Law of the Republic of Kazakhstan "On Copyright and Related Rights" dated June 10, 1996 No. 6-1. As amended by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 419-V // Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 8-9, Article 237.) provide the heir with the opportunity to claim damages and satisfy his property interests using the specified method of protection, allowing the use of other means that provided by law (except compensation for non-pecuniary damage).

Compensation should be distinguished from compensation for damages. According to paragraph 6 of article 1032 of the civil code of the Republic of Kazakhstan (Civil Code of the Republic of Kazakhstan (Special Part), 1999) for means of individualization, in case of violation of an exclusive right, the heir has the right to demand compensation from the violator for violation of the specified right instead of compensation for damages. As for copyright and related rights, as well as rights to topology, this option is provided by the PP.6 item 1 of article 48 of the law of the Republic of Kazakhstan "on copyright and related rights" of June 10, 1996 No. 6-1. In edition of Law of RK dated 24.11.2015, No. 8-9, article 237. and PP.6 item 1 of article 14 Of the law of the Republic of Kazakhstan on topology (Law of the Republic of Kazakhstan" on legal protection of topologies of integrated circuits ", 2001). These provisions are reflected in the doctrine [Andreev Yu. N. Mechanism of civil protection. - Moscow, 2010. p. 30-51].

Also, measures to protect the analyzed rights of the author and his heirs, according to article 9 of the civil code of the Republic of Kazakhstan [10], PP.7 item 1 of article 48 of the law of the Republic of Kazakhstan "on copyright and related rights" of June 10, 1996 No. 6-1. In edition of Law of RK dated 24.11.2015 and PP.4 item 1 of article 14 Of the law of the Republic of Kazakhstan on topology, refers to the legally established ability to claim compensation for moral damage, and the suppression of any actions that cause or may cause damage to the rights of the author or his heirs.

However, the Civil Code not specified, entitled to the protection of moral rights in the way the subjects specified in article 9 and in article 970 of the civil code of RK and the above the norms of the special laws of the Republic of Kazakhstan. The

legislator followed the path of listing ways to protect the author's personal non-property rights. However, the methods of protection that can be provided to the heirs of the author or the executor of the trust who has been entrusted with the protection of his rights is not defined in any particular way. On the issue of copyright as a person of interest, along with the heirs of the author or the executor of the will, to apply for the protection of the rights of individuals without property is also not clearly resolved.

An example from court practice is illustrative, when the claim was satisfied in the part of compensation for moral damage, the rest of the claim was refused. So, on June 04, 2018, in district court No. 2 of Almalinsky district of Almaty, having considered in open court the civil case on the claim of A. and N. the Intellectual property rights Committee on of the Ministry of justice of the Republic of Kazakhstan, the Kazakhstan copyright society on copyright protection and compensation for moral damage, on the basis of the above, guided by article 223-226 of the CPC, the court decided the claim of A. and N. to the Center for preparation for testing for public service "Orleu" in the person of Director D. to prohibit the training, distribution, use authoring "courses for the training of candidates for the RK legislation knowledge for successful completion of state testing" (a work of literature) an exclusive property right in an object which was for A., according to the certificate on the state register of rights to the printed item No. 2041 dated August 18, 2017.

To collect from the center for preparation for testing for the state service "Orleu" in the person of the Director D. in favor of A. compensation for moral damage in the amount of 100,000 (one hundred thousand) tenge (Decision of the district court No. 2, 2018.).

## Results

Thus, it is once again confirmed that the legal nature of the author's personal non-property rights does not allow the heirs to file a claim for compensation for moral damage in their favor. The significance of the judgment will be the direct confirmation of subjective law, the state of which before the judgment was uncertain and unclear. From which we can also conclude that the heirs of exclusive rights, upon entering into the inheritance, may be able to file a claim for remuneration, despite

the fact that the testator during his life filed a petition to refuse such a claim. However, they have the right to use other methods enshrined in the current legislation.

It is believed that the heir has the right to demand from the violator of personal non-property rights, along with the termination of illegal actions, as well as compensation for moral damage. However, this only applies to the author. That due is to the fact that the heirs of the copyright holder can not experience any moral suffering, it is quite obvious that the position of the legislator is obvious, which is reflected in p. 30 of regulation, which expressly States that heirs neither by law nor by will have the right to claim compensation for moral damage their will, in violation of the non-personal rights of the authors and other authors, is subject to protection in other ways provided by law.

The current legislation of the Republic of Kazakhstan contains provisions according to which the rights of the heirs of exclusive intellectual property rights should be limited in the area of the ability of the heirs to make changes, reductions or additions to the work, except in cases where the consent of the testator was expressed in writing. Nevertheless, there is no indication of the possibility of making any changes that are not creative in the work, if there is a direct prohibition of the testator. In this regard, we believe that the need to create a reserve is justified, according to which the heirs will have the right to make changes caused solely by the need to eliminate actual, grammatical or other errors made by the author and not caused by the creative intention of the testator himself and the artistic features of the work.

Thus, we can formulate a conclusion, according to which, judicial protection of the rights and interests of heirs, as well as notarial protection are intended to protect inheritance rights when entering the inheritance mass of exclusive rights to intellectual property rights, as well as the protection of privacy and other intellectual property rights in disputes, protection of private rights and other intellectual property rights (judicial confirmation)) recognition of the testator's exclusive intellectual property rights and personal style, as well as an injunction against the corresponding actions of the defendant-offender, etc.), which have already been inherited by succession, and also involves ensuring the protection of the testator's personal non-property rights initiated by the heirs.

## References

- Spelman K., von Herrmann S. (2010) Estate Planning and Copyright // [https://www.schiffhardin.com/Templates/media/files/publications/PDF/LAND\\_v005n03\\_jan\\_feb13\\_estateplanning.pdf](https://www.schiffhardin.com/Templates/media/files/publications/PDF/LAND_v005n03_jan_feb13_estateplanning.pdf)
- Haskins J. (2015) Who Will Inherit Your Intellectual Property? // <https://www.legalzoom.com/articles/who-will-inherit-your-intellectual-property>
- Jeffrey Evans (1998) Stake Inheritance Law. - Indiana University Maurer School of Law, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=121459](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=121459)
- Robert E. (2008) Pound's Copyright Statute: Perpetual Rights and the Problem of Heirs. University of Tulsa Legal Studies Research Paper No. 2009-04. Available at SSRN: <https://ssrn.com/abstract=1286233>
- Kelly Casey Mullally. (2016) Blocking Copyrights Revisited // Mullally article.docx. file:///C:/Users/User/Downloads/SSRN-id2704057.pdf
- Eva E. Subotnik (2015) Copyright and the living dead?: Succession law and the postmortem term // Harvard Journal of Law & Technology. Volume 29, Number 1 Fall – P.77-125
- Nordemann, J. B., Czychowski, C., & Gruter, A. W. (1998). The Internet, the name server and antitrust law // European competition law review, 19(2), 99-105.;
- Naomi Korn. (2005) Guide to Intellectual Property Rights and Other Legal Issues. – Minerva Project, – P. 35.
- Zakon Respubliki Kazahstan «Ob avtorskom prave i smezhnyh pravah» [Law of the Republic of Kazakhstan (1996) "On Copyright and Related Rights"] No. 6-1. As amended by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 419-V // Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 8-9, Art. 237. (in russian)
- Patentnyj Zakon Respubliki Kazahstan [Patent Law of the Republic of Kazakhstan] ot 16 iyulya 1999 goda № 427. V redakcii Zakona RK ot 07.04.2015 № 300-V // Vedomosti Parlamenta Respubliki Kazahstan, 1999 g. - № 20. - St. 718; 2004 g. - № 17. - St. 100. (in russian)
- Zakon Respubliki Kazahstan «O tovarnyh znakah, znakah obsluzhivaniya i naimenovaniy mest prohozhdeniya tovarov» [The law of the Republic of Kazakhstan (1999) on trademarks] ot 26 iyulya 1999 goda N 456. V redakcii Zakona RK ot 07.04.2015 № 300-V // Vedomosti Parlamenta Respubliki Kazahstan, 1999 g. - № 21. - St. 776; 2004 g. - № 17. - St. 100. (in russian)
- Zakon Respubliki Kazahstan «O pravovoj ohrane topologij integralnyh mikroshem» [Law of the Republic of Kazakhstan (2001) on legal protection of topologies of integrated circuits] ot 29 iyunya 2001 goda № 217. V redakcii Zakona RK ot 12.01.2012 № 537-IV // Vedomosti Parlamenta Respubliki Kazahstan, 2001 g. - № 13-14. - st. 181. (in russian)
- Zakon RK «Ob ohrane selekcionnyh dostizhenij» [The Law of the Republic of Kazakhstan (1999) On protection of selection achievements] ot 13 iyulya 1999 goda N 422-I. V redakcii zakona RK ot 27.11.2015 № 424-V // Vedomosti Parlamenta Respubliki Kazahstan, 1999 g. - № 19. - St. 655; 2004 g. - № 17. - St. 100. (in russian)
- Simkin L.S. (1997) Iz praktiki rassmotreniya del o pravovoj ohrane programm dlya EVM [From the practice of considering cases on legal protection of computer programs ] // Vestnik Vysshego Arbitrazhnogo suda RF. – 1997. – № 8. – S. 78 (In Russian)
- Andreev Yu. N. (2010) Mehanizm grazhdansko-pravovoj zashity [Mechanism of civil protection]. - Moscow, 2010. p. 30-51. (In Russian)
- Polozova D. (2014) Sposoby zashity lichnyh neimushestvennyh intellektualnyh prav [Ways to protect personal non-property intellectual rights] // Intellectual property. Copyright and related rights. No. 12. Pp. 21-28. (In Russian)
- Normativnoe postanovlenie Verhovnogo Suda Respubliki Kazahstan «O primenenii sudami nekotoryh norm zakonodatelstva o zashite avtorskogo prava i smezhnyh prav» (2007) [Regulatory Statute of the Supreme Court of the Republic of Kazakhstan] On application by courts of some regulations of the legislation on protection of copyright and related rights, No. 11 // Bulletin of the Supreme Court.- 2008. - No. 1. (In Russian)
- Grazhdanskij kodeks Respubliki Kazahstan (1994) [Civil code of the Republic of Kazakhstan] from December № 268-XIII. In edition of Law of RK dated 02.07.2018 No. 168-VI // Bulletin of the Supreme Council of the Republic of Kazakhstan, 1994, № 23-24 (In Russian)
- Normativnoe postanovlenie Verhovnogo Suda Respubliki Kazahstan «O primenenii sudami nekotoryh norm zakonodatelstva o zashite avtorskogo prava i smezhnyh prav» (2007) [Normative resolution of the Supreme Court of the Republic of Kazakhstan On application by courts of some regulations of the legislation on protection of copyright and related rights] No. 11 // Bulletin of the Supreme Court. - 2008. - No. 1. (In Russian)
- Zakon Respubliki Kazahstan «O notariate» (1997) [Law of the Republic of Kazakhstan "on notaries"] No. 155 Order of the Minister of justice of the Republic of Kazakhstan dated January 31, 2012 No. 31 "on approval of Rules for notarial actions by notaries". Register ed in the Ministry of justice of the Republic of Kazakhstan on February 28, 2012, Official website of the Republican Notaria Chamber [http://www.notariat.kz/images/stories/mr/mp\\_nasled.pdf](http://www.notariat.kz/images/stories/mr/mp_nasled.pdf). (In Russian)
- Denoncourt J. (2015) Q&A Intellectual Property Law. London, NewYork, - P. 199.
- Reshenie rajonnogo suda №2 (2018) [Decision of the district court No. 2] of the Almalinsky district of Almaty. Case no. 7520-18-00-2/11522 (In Russian)