

**SPECIFIC FEATURES OF THE LEGAL REGULATION OF COPYRIGHT AND
RELATED RIGHTS.**

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Abstract: This article provides a comprehensive overview of the legal framework and system of protection of copyright and related rights in Uzbekistan. The historical development of copyright, cooperation within the framework of international conventions, in particular the Berne and Maroc Conventions, is analyzed. The main provisions, subjects and objects of the Law of the Republic of Uzbekistan "On Copyright and Related Rights" are highlighted. The powers and obligations of collective management organizations are also outlined. The digitization of intellectual property registration processes and the strengthening of control mechanisms are highlighted. The article highlights the role of intellectual property rights protection in economic and innovative development.

Keywords: Copyright, related rights, intellectual property, legislation, information technology, Berne Convention, personal non-property rights, infringements

Introduction.

In today's modern era, technologies based on digital innovations are being widely introduced into every sector of society. This creates the basis for us to easily find and use the information and data we need. Unfortunately, there are many cases of using this ready-made information without the permission of the author and using it for our own purposes. This, of course, leads to a violation of intellectual property rights and related rights in accordance with the procedure established by law. The legislation of the Republic of Uzbekistan contains appropriate foundations for the protection and regulation of copyright and related rights. Now, what is copyright and its history,

copyright is the right of the author to control, use, and profit from the works that are the result of his creative work. Copyright did not first appear until the printing press was developed and the public became more literate. As a legal concept, copyright was granted to printing houses for a certain period of time in the 13th century. Copyright has evolved from a legal concept that regulated the publication of books and maps to a field of law that can now affect almost every modern field.

King Charles II of England, concerned about the uncontrolled copying of books, used his royal power to enact the Licensing Act in 1662. The Statute of Anne was the first true copyright law. [1] Also in 1886, the Berne Convention was created to regulate copyright among sovereign nations. According to this convention, each member country grants to the nationals of other member countries at least the same copyright rights as its own nationals. Any legal proceedings in respect of works covered by the convention shall be conducted in accordance with the laws of the country in which they were used. The Republic of Uzbekistan also signed the Berne Convention on April 19, 2005. The incorporation of the provisions of the Berne Convention into the TRIPS Agreement of the World Trade Organization has led to its widespread application throughout the world. In the 19th century, the French experience in regulating copyright also served as the basis for the Universal Declaration of Human Rights. Article 27 of this declaration states: "Everyone has the right to the protection of the moral and material interests arising from any scientific, literary or artistic production of which he is the author." In this way, a number of laws and conventions began to be formed in the international arena to ensure and regulate copyright.

Analysis of literature on the topic. This article extensively used and analyzed the textbook "Copyright" by I.B. Yakubova, the Law of the Republic of Uzbekistan "On Copyright and Related Rights", the open source of information of the Ministry of Justice of the Republic of Uzbekistan, the information contained in the Marrakesh Treaty and the Berne Convention. A thorough analysis of the above information and sources showed the existence of the foundations of intellectual property rights and related rights and strong protection of their objects.

Discussion and results. As is known, our country has developed a number of laws and documents on the regulation of copyright and related rights, as well as signed international treaties. If we look at the activities of our country in this area, during the years of independence, Uzbekistan has also paid serious attention to the development of the intellectual property system and its protection. As is known, our country has developed a number of laws and documents regulating copyright and related rights, as well as signed international treaties. If we look at the activities of our country in this regard, during the years of independence, Uzbekistan has also paid serious

attention to the development of the intellectual property system and its protection. For this purpose, in December 1991, it became a member of the World Intellectual Property Organization. Later, it adopted more than ten laws related to the field. Also, the State Patent Office, the Intellectual Property Agency, established as a solid foundation in this area, began to contribute to ensuring reliable protection of rights to these property objects, as well as to encouraging the introduction of innovative technologies, scientific and technical, artistic and design developments into the modernization of our country's economy, and the process of technical and technological re-equipment. [2]

Accordingly, on July 20, 2006, the Law "On Copyright and Related Rights" was adopted. Its main purpose was to regulate relations arising in connection with the creation and use of scientific, literary and artistic works (copyright), performances, phonograms, and broadcasts or broadcasts of organizations broadcasting or broadcasting over the air or by cable. Since the implementation of this law, the rights of authors and right holders have been fully protected. In this regard, before analyzing this framework that protects copyright and related rights in our country, namely the Law "On Copyright and Related Rights", there are a number of terms related to copyright that we need to understand. First of all, when it comes to the subjects of copyright, the author of the work is distinguished as the subject of copyright. In this case, the person indicated as the author in the original or another copy of the work is considered its author, unless otherwise proven. The subjects of copyright also include the right holder (publisher, organization), successors and persons who have received the right under a license.

The objects of copyright include works of science, literature and art, regardless of the nature and purpose of the creation, as well as the method of its expression, if such creative results are expressed in an objective form that allows them to be perceived. Examples of these are literary works; dramatic screenplays; musical works with or without lyrics; choreographic works and mimes; works of architecture, urban planning and park-building art and other objects. In this regard, according to Article 5 of the Law "On Copyright and Related Rights", Copyright applies to works of science, literature and art that are the result of creative activity, regardless of their purpose and value, as well as the method of expression. At the same time, copyright also applies to unpublished works that exist in any objective form. [3] It should be noted that with the development of new technologies, new objects of copyright appear. Analyzing the Law of the Republic of Uzbekistan "On Copyright and Related Rights" as a basis, we pay attention to Article 10 of the Law. According to this article, copyright arises and the presumption of authorship. According to it, copyright arises in a work of science, literature and art upon the fact of its creation. Registration of the work or any other compliance with it is not required

for the emergence and exercise of copyright. The person indicated as the author in the original or copy of the work is considered the author of the work, unless otherwise proven. [4] So, based on this article, we can see that a person who is considered the author of a particular work or object is not required to register in any way, this object is automatically considered his private property. There is another aspect here, in the event that a work is published anonymously or under a pseudonym, the publisher who published the work, whose name or patronymic is indicated in the work, is considered the author's representative and has the right to protect the author's rights and ensure their implementation until the author reveals his identity. In accordance with this law, sufficient grounds are also given for the author's personal non-property rights. According to Article 18 of the Law, the author's personal non-property rights include the right to use or authorize the use of the work, with or without indicating the author's real name, pseudonym, or pseudonym, that is, without a signature, the right to disclose the work or authorize its disclosure in any form, and the right to protect the work, including its name, from any distortion or any other encroachment that may harm the author's honor and dignity. The author shall have the right to withdraw a previously adopted decision on the disclosure of the work, subject to compensation for the damage suffered by the persons who have received the right to use the work as a result of such a decision, including lost profits. If the work has been disclosed, the author shall be obliged to inform the public about the withdrawal. In this case, he shall have the right to withdraw previously prepared copies of the work from circulation at his own expense. These rules shall not apply to service works, unless otherwise provided for in the contract concluded with the author. [5] In addition, there are a number of prohibitions established by this law, for example, when performing a work in public or otherwise using it, it is prohibited to make any changes to the author's name without the author's consent, and it is also prohibited to publish his work with embellishments, a preface, an ending, or any explanations without the author's consent. In this regard, the attitude of responsibility for violations has also been strengthened in our country. According to it, Article 149 "Violation of the author's personal non-property right" is amended and the appropriation of copyright to a work, invention, utility model, industrial design, selection achievement and topology of an integrated microcircuit, coercion to co-authorship, as well as the disclosure of information about these intellectual property objects without the author's consent before their official publication is punishable by a fine of fifty to seventy-five times the minimum wage or deprivation of certain rights for up to five years, or compulsory community service for up to three hundred and sixty hours, or restriction of liberty for up to two years.. It is also stipulated that a person who commits a crime for the first time will be exempted from liability

if, within thirty days from the date of detection of the crime, he eliminates the consequences of violating the author's personal non-property rights and compensates for the material damage caused. In this regard, based on monitoring and observations conducted by the Ministry of Justice in 2020-2022, as well as appeals from individuals and legal entities, about 3,080 violations were identified. In connection with the identified violations, official requests and 1,367 measures of necessity were applied to individuals and legal entities in 354 cases, and in 253 cases, reports on administrative violations were drawn up and referred to courts. 196 individuals found guilty of committing crimes by the courts were also fined \$26,000. [6]

Chapter 3 of the Law "On Copyright and Related Rights" is devoted to related rights. When analyzing the objects of related rights, we include performances, phonograms, broadcasts or broadcasts of an organization providing broadcasts or broadcasting over the air or cable. The subjects of related rights are performers, producers of phonograms, broadcasts or broadcasting organizations over the air or cable. For the emergence and transfer of related rights to property, registration of the object of related rights and any other formalities are not required. An important aspect of related rights is that, according to Article 54 of the Law, the rights granted to the performer shall be valid for fifty years after the first performance of the performance. However, the rights of the performer to protect his name and reputation and to protect the performance from any distortion or any attack that may harm the performer's honor and dignity shall be protected indefinitely. [7]

The expiration of the term of related rights, performance, phonogram, broadcast or cable broadcast or broadcast by a broadcasting organization, means that they become public property. Objects of related rights that have become public property of this type can be used by anyone without paying any fees.

There are several organizations in our country that manage property rights collectively. These organizations that manage property rights collectively are non-profit organizations and operate on the basis of their charter. The conditions and procedure for state registration of organizations that manage property rights collectively are determined by the Cabinet of Ministers of the Republic of Uzbekistan. The rights and obligations of organizations that collectively manage property rights are stipulated, including, among others, the ability to agree with users on the amount of remuneration paid for the rights of this organization and other conditions for concluding contracts, the ability to collect, distribute and pay the remuneration provided for in the contracts, the ability to register, store and transfer works and objects of related rights, as well as agreements on the transfer of rights to works and objects of related rights to another person in accordance with the

procedure established by such an organization.

Article

59 of the Law sets out the obligations of organizations that collectively manage property rights. According to it, they are obliged to submit reports to rightholders, including information on the use of their rights, to distribute and regularly pay the collected royalties in proportion to the actual use of works and objects of related rights, to distribute and pay the collected royalties directly to rightholders and to transfer them to other organizations representing the interests of the relevant categories of rightholders for distribution and payment to rightholders on the basis of agreements concluded with these organizations, and to undertake a number of other obligations. [8] So, we can understand that the control and protection of intellectual property and related rights in our country is well-established. Extensive work is being carried out in our country in the field of intellectual property rights and related rights. This is naturally evidenced by effective results aimed at improving public administration and directly further developing the sector. Uzbekistan has also become a party to 4 international treaties on the protection of copyright and related rights. The Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms (Geneva, October 29, 1971), the WIPO Performances and Phonograms Treaty (Geneva, December 20, 1996), the WIPO Copyright Treaty of December 19, 1996, and the Marrakesh Treaty (Morocco, June 27, 2013) are among them. [9] –

For the first time, more than 200 territorial justice bodies were involved in the process of protecting intellectual property rights. With the support of these bodies, the application of intellectual property rights was literally established in the regions for the first time; -In order to ensure the principle of openness and transparency, the process of submitting applications for registration of intellectual property objects was transferred to electronic form; In particular, in 2016, 6884 applications were received, in 2017 - 8059, in 2018 - 8617, in 2019 - 10142, in 2020 - 8707, and in 2021 - 14287. - It was determined that after the submission of applications for registration of trademarks, service marks, and appellations of origin, the Ministry of Justice will post information about these applications on its official website within one working day;

-now it is possible to obtain protection documents for registered intellectual property objects electronically in 24/7 mode; -the activities of the Institute of Patent Representatives, which provides professional legal assistance in the field of intellectual property, have been significantly improved; (the requirements for a patent representative have been sharply reduced, the requirements for 3 years of experience and activity in a specific field have been removed) - administrative liability for illegal use of intellectual property objects has been strengthened. New

norms have been created for the legislation on infringement of copyright and related rights, as well as infringement of rights to inventions, utility models and industrial designs; Due to increased liability for the illegal use of intellectual property, intellectual property lawsuits have increased sharply since 2019. (In 2016 - 60, in 2017 - 85, in 2018 - 89, in 2019 - 60, and in 2020 - more than 400 court hearings were held.) Effective work is also being carried out in the field of intellectual property lawmaking. [10] Indeed, as a result of the work carried out in the field of intellectual property, the number of crimes in this area has decreased, which can be attributed to the fact that all this is done on the basis of a solid legal basis.

Conclusion. The above-mentioned changes and innovations in public administration, especially the systemic reforms implemented in recent years, are making a significant contribution to the development and improvement of intellectual property rights. It is noteworthy that these processes are being carried out not only at the national level, but also in accordance with international standards and practices. In particular, a number of laws, resolutions and regulatory legal acts on the legal protection of intellectual property objects have been adopted and put into practice in our country. These laws cover copyright, patent law, legal protection of trademarks, industrial designs and many other intellectual property objects, and determine specific mechanisms for their protection. In addition, the activities of specially authorized state bodies for the management and regulation of the intellectual property sector are being strengthened, their powers are being expanded, and modern approaches to the sector are being promoted. This expands the opportunities for supporting innovative activities, stimulating creativity, and implementing new ideas in economic circulation. It is worth noting that the efforts of the Republic of Uzbekistan to strengthen cooperation with international organizations in the field of intellectual property also play an important role. This serves to harmonize national legislation with international standards, exchange experience, and adopt advanced foreign practices.

In conclusion, the gradual development of intellectual property rights in our country, the attention and support provided by the state, reforms and organizational measures in this area are creating the foundation for achievements and results in this direction. The effective development of intellectual property rights, in turn, is of great importance in increasing the competitiveness of the economy, creating an innovative environment, and strengthening interest in science in society.

References:

1. https://uz.wikipedia.org/wiki/Mualliflik_huquqi
2. I.B.Yakubova, "Mualliflik huquqi" o'quv qo'llanma, Toshkent -2020, 17-bet
3. O'sha manba, 28-bet

4. “Mualliflik huquqi va turdosh huquqlar to‘g‘risida”gi O‘zbekiston Respublikasi Qonuni, <https://lex.uz/ru/docs/-1022944>
5. O‘sha manba
6. <https://adliya.uz/adliya-ochiq-malumotlar>
7. “Mualliflik huquqi va turdosh huquqlar to‘g‘risida”gi O‘zbekiston Respublikasi Qonuni, 3-bob 54-modda
8. <https://lex.uz/ru/docs/-1022944>
9. Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (2013)
10. <https://adliya.uz/adliya-ochiq-malumotlar>