

HISTORY OF PROBLEMS WITH COPYRIGHT PROTECTION IN UZBEKISTAN (1960-1970s As an Example)

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Abstract

Using specific historical examples, the author examines the causes and consequences associated with the problems of copyright protection in the Uzbek SSR, in particular the Uzbek branch of the All-Union Directorate for Copyright Protection. Based on an in-depth analysis of the problems of copyright protection in Uzbekistan in 1960-1970. a well-founded scientific conclusion has been made.

Keywords: Author, copyright, intellectual property, royalties, representative, theater, performance, Writers' Union, publishing agreement.

Introduction

Today, in developed countries, the protection of authors' rights to their works in the fields of science, literature and art is becoming more important than ever. One of the most important conditions for the development of this area is the recognition of the exclusive rights of authors to the results of their intellectual activity. Legal recognition and protection of the results of creative activity created by the author, as well as granting him the rights to use, dispose of and derive income from these works create conditions for using the results of intellectual activity in the interests of society.

In Uzbekistan, the process of creating a legal framework for protecting the results of intellectual activity of authors continued in the first years of independence. We know that systemic processes for the protection of copyright are still being implemented with great intensity today, as evidenced by the words of President Sh.M. Mirziyoyev, who stated that "If we do not raise the issue of intellectual property to the level of state policy, then Uzbekistan will not be competitive even in ten years" [1].

Given the relevance of intellectual property protection in our country, Article 53 of the new edition of the Constitution of the Republic of Uzbekistan states: "Everyone is guaranteed freedom of scientific, technical and artistic creativity, the right to use cultural achievements." Intellectual property is protected by law. The fact that the state cares about the cultural, scientific and technical development of society" [2] also justified the protection of the rights of authors by the basic law.

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The fact that the Ukrainian branch of the All-Union Office for the Protection of Copyright convened a council of commissioners and systematically acquainted them with issues related to the protection of copyright and their interests shows that the attitude towards all republics is not the same.

In addition, the Georgian branch introduced bonus rates to encourage the creativity of local authors, and the amount of the author's fee increased annually [5]. Accordingly, comparing the relationship of the All-Union Copyright Protection Department with the republican branches in the regions closest to it, with its relationship with the branches in the Central Asian republics, it can be seen that insufficient attention is paid to remote regions. These situations are factors that can negatively affect the protection of authors' rights and the overall efficiency of the Uzbek branch.

In 1954, the authors of the works "Heroine Girl" by H. Rakhimova, "Rakhtakor Girl" by H. Tokhtasinova[6] and other works recorded on gramophone records were notified by the authors to the management of the Uzbek branch of the All-Union Copyright Protection Department due to failure to pay royalties on time. Research has shown that the existence of "black money" was revealed as a result of the fact that the heads of entertainment establishments did not transfer funds to the bank account and did not pay royalties to the authors[7]. This situation shows that the supervision of the copyright protection department and the representatives collecting fees for copyright infringement is not well organized. As a result, authors were unable to receive royalties on time. The conditions created for the management and staff of the Uzbek branch of the All-Union Copyright Protection Department are also of great importance in protecting the rights of authors and ensuring the effective functioning of this system.

On May 25, 1954, the building occupied by the Uzbek branch of the All-Union Directorate for the Protection of Authors' Rights was transferred to the library of the Union of Soviet Writers of Uzbekistan, which affected the normal work of the branch. The department faced serious difficulties in those days when it found itself in a situation where it had to suspend its activities, especially when royalty payments were relatively low.

Taking into account the above, an appeal was made to the leadership of the Union of Soviet Writers of the USSR with a request to consider the issue of providing the Uzbek branch with suitable premises at the expense of the relevant organizations in Tashkent or to allocate other premises from the House of the Union of Soviet Writers of Uzbekistan [8].

The absence of literate and creative authors in the structure of the Union testified to the fact that the organization was engaged in the protection of copyright in a country where there were no buildings and proper conditions were not created, and also that insufficient attention was paid to this industry during this period. However, in accordance with the resolution of the Union of Soviet Writers of the USSR No. 1505 of June 22, 1950, it was established that the Uzbek branch of the All-Union Administration for the Protection of Copyright must allocate 100 thousand rubles for the purchase of housing and simultaneously transfer these funds to the account of the branch, and obtain the appropriate permission from the Council of Ministers of the Uzbek SSR to purchase housing[9]. This served as the basis for finding a positive solution to the above-mentioned problematic situation.

In order to improve the timeliness and completeness of the implementation of copyright, the head of the Uzbek branch, Fatkhullin, proposed that the IOC grant directors of the republican branches broader powers and the possibility of partial independence[10]. There are sufficient grounds for this, and there were cases when some broadcasting organizations did not pay fees for 3-4 months. Therefore, it was considered necessary for representatives to have a permanent place in theaters, not for entertainment, but for the proper performance of their duties[11].

The representative who provided information on some centrally held concerts noted that employees of the Uzbek branch of the All-Union Copyright Protection Administration rarely travel to remote areas to carry out supervision and, due to the remoteness, it is impossible to systematically cover all points. For information violating established procedures, the representative had the opportunity to receive 50% of the remuneration that should have been paid to the authors[12].

The reason for the widespread violation of copyright is the insufficient opportunities created for representatives. For example: in the BMHHB system, part-time representatives who receive a basic salary of more than 60 rubles are entitled to vacation, but the fact that they are not paid vacation pay[13] also led to representatives not fulfilling their duties responsibly.

During the inspection of the Uzbek branch of the All-Union Copyright Protection Department, it was revealed that even the former director Z. Fatkhullin and his deputy for the urgent department Kolesnichenko had systematically violated copyright protection procedures for a number of years, such as: "Fundamentals of Copyright in the USSR" and Resolution of the Council of People's Commissars of the Uzbek SSR No. 44 of January 31, 1944 "On the procedure and amounts of royalties for musical, musical-dramatic and other works publicly performed on the territory of the Uzbek SSR." and the unlawful distribution of copyrights between co-authors of a number of musical works. For example, on the basis of an agreement submitted by the co-authors of the music for the musical drama "Farhod and Shirin" Y. Radzhabyim and B. Nadezhdin, they agreed to divide the fee for the music equally (50% each) for performances held in the regional theaters of the republic. Despite this, the head of the Uzbek department was paid a salary of 62,442 rubles for 1949, 1950 and 1951[14]. However, according to the agreement between the co-authors, this amount was not realized.

Based on the order of the All-Union Copyright Protection Department No. 65 dated June 14, 1954, Babajanov Akhmad Allanazarovich was appointed director of the Uzbekistan branch. At

the same time, the new head was recommended to determine measures to improve the efficiency of the department in the current year and discuss this issue with the department staff. It was emphasized that the main goal of changing the heads of departments is to improve the quality of protection of authors' rights in our country and eliminate existing problems in this area.

The ignorance of many authors, as well as some of the authors themselves, about the legal norms for the protection of copyright existing in our country created great difficulties for them in obtaining copyright. In this regard, authors working in remote areas, especially those who are unable to get to the republican centers, have problems associated with receiving royalties. This was due to the low amount of royalties received by the author, or the heavy workload at his main job.

We can witness cases of overstatement of monthly salaries of authorized persons engaged in collecting royalties in the regions. Including: The above information also confirms that there are cases of unjustified overstatement of salaries for the position of Fergana City Commissioner in accounting and reporting[15], which is due to the shortage of qualified accountants, as well as similar problems that may persist until newly hired accountants gain experience[16].

By the Resolution of the All-Union Copyright Protection Department of March 23, 1962, it was established that the Uzbek branch may participate in disputes between authors and organizations regarding the creation and use of works and, upon the written application of the author, take on the management of his case with the organization related to the creation or use of a literary, artistic or musical work[17]. These legal principles were adopted taking into account that they will facilitate the resolution of disputes in the field of copyright protection with the involvement of specialists from the department, who will transfer legal cases to court. As a result, authors were spared unnecessary confusion, and disputes were resolved with the legal assistance of the department.

It was noted that a number of legal works were carried out by the Department of the Presidium of the Union of Writers of Uzbekistan, and it was emphasized that in 1969, the Uzbek Department of the All-Union Administration for the Protection of Copyright considered 25 contentious cases, and with the legal assistance of the Administration, 15 of them were decided in favor of the authors without going to court, and the rest - in favor of the authors in court. In the event of disagreement by at least one of the parties with the proposed solution, the consideration of the dispute in the system of the All-Union Administration for the Protection of Copyright is suspended and the parties are informed of the possibility of applying to the court to resolve the dispute [18]. If both parties agree with the proposed solution and confirm it in writing, the office will help them formalize an agreement based on the solution, and an agreement will be drawn up on behalf of the disputing parties, signed by them, and a copy will be provided to each of the disputing parties. A copy of the agreement remained in the branch and was stored until the expiration of the copyright for the works of all authors involved in the dispute [19].

Expertise is mandatory when considering a dispute over copyright in a work or part of it, as well as disputes about the essence and volume of work performed by each of the co-authors of

one work. Resolving a dispute is impossible without taking into account the significance of the work of each of the co-authors of the work, as well as a creative analysis of the works that are the subject of the dispute [20]. Similar problematic situations related to the protection of authors' rights have also been encountered in the activities of publishing houses.

Another problem related to the protection of authors' rights is the publication of works by publishers without a contract, without payment of royalties and without obtaining the consent of the authors, and even works by foreign authors are no exception. Therefore, strict control over the activities of publishers is considered important from the point of view of copyright protection. It has been established that the publication of works by foreign authors can only be carried out on the basis of a contract with the participation of a representative office[21].

There have been cases of "incomprehensibility" of instructions on issues related to the activities of publishers, inaccuracy of these instructions, as well as the inability of publishing house employees to adequately answer authors' questions regarding the procedure for determining and paying royalties for various works. In order to protect the rights of authors and prevent such situations, which negatively affect the activities of publishers, from becoming "publishing practice"[22], it is important to ensure that all publishers have the same procedures for providing services to authors, and to eliminate problems so that new authors do not suffer from such problems.

As of January 1, 1970, 533 authors were registered with the Uzbek branch of the All-Union Administration for Copyright Protection, including 141 playwrights, including 61 members of the Writers' Union, 54 translators, 180 authors of pop lyrics, including 59 members of the Writers' Union, 153 composers, including 53 members of the Union. It was not always possible to fully ensure the rights of these authors, and significant and painstaking work was done to find unknown authors whose works were performed in concerts [23].

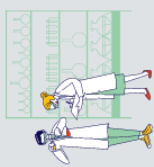
In the first half of the 1970s, copyright protection and collection of royalties were insufficient, and the possibilities for providing entertainment to viewers were somewhat reduced. This was due to the earthquake of 1966 and the failure to fully complete the repair work on the theaters that had fallen into disrepair as a result, which led to the failure to fulfill the established plan. The employees of the Uzbek branch of the All-Union Administration for the Protection of Copyright also did not enjoy any incentives, but the employees of the Literary and Musical Funds of the USSR, which were formed from funds received as a percentage of the amount of author's royalties, enjoyed certain benefits (vouchers to resorts, sanatoriums and rest homes) [24]. Considering that the funds of the Literary and Musical Fund of the USSR were collected through authorized representatives at the republican branches of the All-Union Administration for the Protection of Copyright, and the reports were prepared by full-time employees of the Administration, it would be appropriate for individual authors or their relatives to be able to enjoy these benefits along with the employees of the Administration. Since the use of these privileges by the author or the person implementing his legal protection represents a positive attitude towards the author.

In conclusion, it should be emphasized that the legislation of the Soviet state was essentially oriented towards the interests of the center, and problematic situations in ensuring the rights of

authors include the presence of such requirements as the introduction of Soviet ideology into the content of the works of authors through the All-Union Administration for the Protection of Copyright, and then the All-Union Agency for Copyright, as well as insufficient consideration of the interests of authors in remote countries of the Union.

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