

**METHODS OF CIVIL LEGAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**

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**Abstract**

In this article, intellectual property rights, including methods of copyright protection, are studied on the basis of a comparative analysis of the legislation of the Republic of Uzbekistan and other foreign countries. Issues related to the protection of intellectual property rights were considered.

**Keywords:** Intellectual property rights, copyright, related rights, intellectual property protection, protection methods.

**Introduction**

The sharp difference between legal norms and other social norms, including moral rules, is their obligation. The state and legal institutions are considered to be interdependent, and the fulfillment of legal norms by individuals and legal entities is a decisive factor for peace and stability in the state, while the effectiveness of state management and mechanisms depends on the level of law and order and legal culture of the population. is measured. Indeed, as noted in the legal literature, it is well known to every sane person that if society does not have a means of providing regulatory power and stability that gives practical results in the complex, often highly conflicted environment of its people, then humanity will not exist. He would not have lived until now and would not have been able to fulfill his goals. At the same time, the presence of a person in a certain position in the society, which is a whole social organism, and his behavior and actions will have a universally recognized basis only if this community of people acts according to the law.

Creation of a set of legal norms that constitute the copyright and ensuring that it is observed without deviation is an important direction of the function of protecting the order of the domestic law of the state. Today, copyright norms have become internationally recognized requirements, and the introduction of these international requirements into national legislation and practice serves as an indicator of the level of effectiveness of each country's legislation, legal culture of the population, courts and law enforcement agencies. A government that fails to ensure the basic requirements of copyright is always deprived of the processes related to the development of digital economy and computer technologies, which is booming in the present time, and as a result, it is inevitable to take a place among the backward countries. Taking into account all of the above, the persons guilty of violating the legislation on copyright and related rights shall be held responsible in accordance with Article 61 of the Law of the Republic of Uzbekistan "On Copyright and Other Related Rights" marked.

The peculiarity of liability for copyright infringement is that both criminal-administrative and economic-civil liability are interrelated and not mutually exclusive. It should be noted that criminal



or administrative liability of the offender for grossly violating the rights of the owners of creative works does not exempt him from material and economic responsibility within the framework of civil rights.

Criminal responsibility for copyright in the Republic of Uzbekistan is provided for in Article 149 of the Criminal Code, the last version of this article is strengthened as follows: "Appropriation of copyright, coercion of co-authorship, as well as intellectual property disclosing information about the objects of the work before they are officially registered or published without the consent of the author - a fine in the amount of twenty-five to seventy-five times the amount of the base calculation or deprivation of certain rights for up to five years or three hundred and sixty shall be punished by compulsory community service up to an hour or correctional work up to three years.

According to Article 149 of the Criminal Code of the Republic of Uzbekistan, the objective crime is the appropriation of copyright in relation to an object of intellectual property, co-authorship, as well as information about the object of intellectual property. is expressed in the disclosure without the author's consent before registration.

Appropriation of copyright is manifested in the use of another's author's work, invention, utility model or other object of intellectual property in one's own name. In particular, the use of the author's work of others means the popularization of the work (compact disk, computer programs, preparation of databases).

Forcing co-authorship in relation to an object of intellectual property means forcing the author who is the owner of the object of intellectual property to influence the author who is the owner of the object of intellectual property in various ways, that is, the culprit himself by and at his request is understood to be influenced by persons who did not directly participate in the creation of intellectual property objects.

The results indicate that today there is a need to further improve the Criminal Code of the Republic of Uzbekistan from the point of view of copyright protection. In fact, Article 146 of the Criminal Code of the Russian Federation, which provides for criminal liability for plagiarism, also includes 2 parts that provide for a number of aggravating circumstances, which provides for criminal liability for copyright infringement in aggravating circumstances, today copyright protection is relevant for the Republic of Uzbekistan, cases related to the violation of authors' rights, especially on the Internet, have reached a peak, taking into account the effectiveness of this article in the criminal legislation of the Russian Federation in protecting the legal interests of authors, Article 149 of the Criminal Code of the Republic of Uzbekistan We consider it expedient to supplement Article 2 with part 2 and make it in the following version:

Unlawful use of works or objects of related rights, as well as reproduction, distribution, distribution of counterfeit copies of works or objects of related rights, or in copies of works or objects of related rights about their creators, places of their production to present false information about, as well as about the owners of copyright and related rights, -

- 1) by colluding with a group of persons;
- 3) by a dangerous recidivist

if committed, shall be punished by restriction of liberty from 3 to five years or deprivation of liberty"

In the Republic of Uzbekistan, administrative liability for copyright infringement is established, including Article 177<sup>1</sup> of the Code of Administrative Liability, illegal use of works or objects of related rights, as well as the use of works or similar rights. reproducing, distributing, making



available to the public counterfeit copies of objects of rights, or in copies of works or objects of related rights, false information about their creators, about their places of production, as well as about the owners of copyright and related rights showing, — confiscating counterfeit copies of works and objects of similar rights, as well as materials and equipment used for their reproduction and distribution, as well as other tools of committing a crime, from one to five times the amount of the basic calculation to citizens, and to officials — from five times to 10 It causes a fine of up to 10 times.

If similar offenses are repeated within one year after the imposition of an administrative penalty, - confiscation of counterfeit copies of works and objects of similar rights, as well as materials and equipment used for their reproduction and distribution, as well as other tools of committing an offense and causes fines to be imposed on citizens from five to ten times the amount of the base calculation, and on officials from ten to twenty times.

The features of criminal and administrative liability for copyright infringement are that if the infringer appropriates a creative product that actually belongs to another person and makes it known to the public as his own work, or a partially created work created by another person if he pressures and forces him to be added to the list of authors, as well as if he discloses the creative work before it is officially published, then he is considered a subject of criminal liability. In this case, the intellectual property thief appropriates a copyright that does not actually belong to him, as well as physically and emotionally induces him to join the ranks of the owners of the intellectual property object, or discloses the work until the copyright of the owner of the creative work is officially registered. It can be seen that as the basis of criminal prosecution for the violation of the copyright, first of all, it is manifested in actions expressed in the acquisition of property rights to the object of intellectual property or its dissolution before this property right is officially determined.

In order to bring the person who violated the copyright to administrative responsibility, in the event that the author of the work is known, or in the event that the property rights to the object of intellectual property have been officially registered, using this work without his consent, making copies, false information about the authors will be expressed in the provision of information. Administrative liability measures are applied for copyright infringement when the author of the work is known, or after his copyright has been officially established, in which the offenders do not steal the copyright, but in the case where the author is clear from the work, without his consent appears in use.

Article 1771 of the Code of Administrative Responsibility of the Republic of Uzbekistan, Part Three We consider it appropriate to fill it with the following version:

"Similar offenses committed through the Internet will result in fines ranging from fifteen to twenty-five times the base calculation amount, and for officials - from forty to sixty times."

Civil liability measures for copyright infringement are provided for in Article 65 of the Law of the Republic of Uzbekistan "On Copyright and Related Rights". According to this article, the author, owner of related rights or other owner of exclusive rights may demand from the infringer the following entitled to:

- if the rights of the right holder are not violated, compensation for damages in the amount of the income that he could receive under normal conditions of civil treatment, but could not receive. If the infringer received income as a result of the violation of copyright or related rights, the rights



holders should compensate the lost profit in an amount not less than such income, along with other damages;

- regardless of the fact of damage, to pay the compensation in the amount of twenty times to a thousand times of the basic calculation amount instead of compensation, taking into account the nature of the offense and the degree of guilt of the offender.

In addition, the author and performer have the right to demand compensation for moral damages from the offender in case of violation of their rights. In this case, the issues of moral damage compensation are considered by the court based on the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan "On some issues of application of laws on the justification of moral damage", according to paragraph 2 of this Decision, Moral damage means mental and physical (humiliation, physical pain, damage, inconvenience, etc.) sufferings experienced by the victim as a result of the criminal act (inaction) committed against the victim.

The object of illegal actions (inaction) is the immaterial interests (life, health, personal dignity, business reputation) that belong to a citizen from the moment of birth and in accordance with the law. privacy of private life, personal and family secrets), personal non-property rights (right to use one's own name, copyright and legal protection of the results of intellectual activity of other non-property rights according to laws) and property rights (inviolability of housing, property rights and others) may be violated.

When determining the amount of moral damage, the courts take into account the victim's subjective assessment of the severity of the moral damage caused to him, as well as objective data indicating the level of moral and physical suffering caused to the plaintiff, the object of the assault importance for life, benefit (life, health, dignity, personal freedom, integrity of housing, property of great value, etc.), severity and consequences of the offense (murder of close relatives, physical injury resulting in disability, deprivation of liberty, deprivation of work or housing, etc.), the nature of embarrassing false information and the extent (scope) of its distribution, living conditions of the victim, personal characteristics (job, family, household, financial aspects, state of health, age, etc.), the degree of guilt of the person causing the harm and the victim, the material condition of the person causing the harm, and other noteworthy circumstances should be taken into account.

In addition, as a result of illegal use of their works without the consent of the authors, it is provided for in Article 985 of the Civil Code of the Republic of Uzbekistan, according to which damage caused to the person or property of a citizen due to illegal action (inaction), as well as damage caused to a legal entity, including the lost profit must be compensated in full by the person who caused the damage.

It should be noted that according to the results of any type of case related to the violation of authors' rights, including criminal, administrative, civil or economic cases, if the guilty actions of the offender are proven, criminal, In accordance with Article 6 of the Law of the Republic of Uzbekistan "On Copyright and Other Related Rights" together with administrative and civil legal liability measures, counterfeit copies of works and objects of related rights, as well as their preparation and reproduction used materials and equipment, as well as other means of the offense committed, will be confiscated in accordance with the law. Confiscated counterfeit copies of works and objects of similar rights must be destroyed, except when they are handed over to the right holder at his request.

According to the requirements of the current legislation, liability for copyright infringement may also appear as a disciplinary measure. In particular, according to Article 181 of the Labor Code of



the Republic of Uzbekistan, the employer has the right to apply the following disciplinary measures to an employee for violating labor discipline: a fine of no more than thirty percent of the average monthly salary; termination of employment contract. These measures of disciplinary responsibility can be applied by the employer to the employee as a result of the fact that he has coldly regarded his duties in the employment contract, violated copyrights during his work, caused material damage to the enterprise, harmed the honor and value of the enterprise. In this case, the measures of disciplinary responsibility can be determined by the labor contract, internal rules, the employee's service report, the employment contract, the employee's orders and internal documents related to his activity belonging to another enterprise. In this case, the amount of material damage caused by the employee is related to whether or not an agreement on full financial responsibility has been concluded with him. for not ensuring the preservation of valuables received on the basis of a Gallic document; in case of intentional damage; when harm is caused in the state of intoxication from alcoholic beverages, drugs or toxic substances; in the case of damage caused by the employee's criminal actions determined by the court verdict, the damage caused to the employee shall be recovered in full, regardless of whether or not an agreement on full financial responsibility has been concluded.

It should be noted that the blocking of copyright-infringing websites as a measure of legal responsibility is widely used in both developed and developing countries, and today it is effective to some extent. The implementation of this legal measure began in European countries, and later in developing countries, including the Russian Federation. Jurisprudence shows that blocking copyright-infringing websites must meet several requirements, the most important of which is that it must be effective in combating copyright infringements, i.e. the possibility of using such infringing websites must be completely lost. they should completely restrict access to such websites.

In addition, blocking copyright-infringing websites does not have a negative impact on freedom of information, and only websites that actually illegally host authors' works should be blocked. Also, in this case, the business activities of Internet providers cannot be unreasonably restricted, i.e. instructions to block websites that have been proven guilty by a specially authorized state body, these instructions are implemented on the basis of legality and transparency, the rights of Internet providers and website owners should be provided with the right to apply to the court to restore their rights.

According to paragraph 6 of the decision of the President of the Republic of Uzbekistan No. PQ-221 "On additional measures for the further development of the field of intellectual property", the state inspection on control in the field of information and telecommunications Development of information technologies and communications Together with the ministry, until October 1, 2022, at the expense of the Fund for the Development of Information and Communication Technologies, "Violations in the field of copyright and related rights" containing information about websites that violate copyright and related rights on the Internet tasks such as development and operation of the information system "registry" (hereinafter referred to as "registry of violations of the law").

In case of systematic violation of copyright and related rights by websites, the State Inspectorate for Control in the field of Information and Telecommunications, based on the conclusion of the Ministry of Justice, will enter information about these websites into the register of violations of the law and its in accordance with the directive of the Ministry of Information Technologies and





Communications Development, the activity of these websites will be restricted in accordance with the law until the behavior that violates copyright and similar rights is eliminated.

At the same time, the "Roadmap" for the implementation of the strategy for the development of the intellectual property sector in the Republic of Uzbekistan in 2022-2023 in 2022-2026, approved by this decision, was adopted, with the improvement of responsibility for gross violations of intellectual property rights. a number of related measures, including:

in order to prevent illegal use of intellectual property objects and information about them on websites, social networks and other information resources and to ensure effective protection of rights to intellectual property objects in the information and communication environment amendments and additions to legislative documents

- introducing the following amendments and additions to legal documents, which provide for reliable legal protection mechanisms of rights to intellectual property objects:

- In the Code of Administrative Responsibility of the Republic of Uzbekistan - to include norms on determining responsibility for the violation of rights to geographical indications;

- Laws of the Republic of Uzbekistan "On inventions, utility models and industrial designs", "On trademarks, service marks and names of places of origin of goods", "On company names " and "On Breeding Achievements" laws - regardless of the fact of damage to the owners of intellectual property objects, taking into account the nature of the offense and the degree of guilt of the offender, instead of compensation for damages from twenty times to a thousand times the amount of the base calculation introduction of the procedure for collecting compensation;

- in order to prevent illegal use of intellectual property objects and information about them on websites, social networks and other information resources and to ensure effective protection of rights to intellectual property objects in the information and communication environment measures such as amendments and additions to the current legal documents are envisaged.

Although the Republic of Uzbekistan has established appropriate legal frameworks for effective all-round protection of authors' rights, the issues of taking these measures in a timely manner are facing difficulties. In particular, law enforcement agencies and the court do not take legal action against copyright violations, including those that occur on the Internet, in the Republic of Uzbekistan. In particular, unauthorized placement and distribution of foreign movie blockbusters and music content on the special entertainment sites of popular internet providers in Uzbekistan, as well as identifying the owners of "pirate sites" that exist in the "Uz" segment and taking legal action against them. Actions to take measures are implemented very slowly, causing great damage to the honor of our country in the world, as well as the trust of investors, and also to the national law and order. Of course, the population's income is not high, law enforcement agencies are not staffed enough, and the fight against copyright violations on the Internet requires some technical literacy and capabilities, but gradually educating the population in the spirit of respect for copyright, taking responsibility for copyright infringement is not an option. attract large amounts of foreign investments, including investments related to computer technologies and digitization economy, in order to increase the economic power of Uzbekistan to a high level without exception, without exception, to honor and encourage the authors of creative works as much as possible it cannot be denied that it will be difficult for our country to take a place among the leading countries of the world community, to become a serious participant in the processes of economic globalization at the global level.



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