

SOME PROBLEMS OF LEGAL REGULATION OF COPYRIGHT AND COPYRIGHT

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Abstract:

This article examines current copyright practices and how well they comply with court decisions. In addition, the article describes the changes made by the author to copyright laws and their reasons in accordance with international norms.

Keywords: practice, copyright, compensation.

Introduction

Copyright refers to the results of creative activity created in the field of science, literature, art, and similar rights.

Copyright is not registered like other objects of intellectual property, including trademarks, inventions, utility models, industrial designs, etc., on the contrary, copyright arises from the fact of its creation. Registration of a work or compliance with any other formality is not required for the creation and enforcement of copyright.

In this regard, determining cases of violation of these rights is more complicated than cases of violation of rights to objects such as trademarks.

DISCUSSION AND RESULTS

If it is possible to visually determine whether a certain product is original or counterfeit, it is not always possible to distinguish counterfeit copies of works. Because a counterfeit copy of a work is understood as a copy of a work reproduced without the permission of the right holder, i.e. the author. In some cases, there are many cases where publishers print more copies of books than the number of books specified in the contract with the author without the author's consent. In such cases, it is not possible to determine the original or counterfeit copy of the work.

For example, the Agency considered the appeal of the author S. Hafizov, and in this appeal the work entitled "English Grammar" belonging to the author "Y.K." The publishing house prepared and offered for sale more than the number of books specified in the contract with the author. In such a case, only the author can determine whether a violation has been committed and the distribution of counterfeit copies of the work.

For this reason, many works performed by the Agency on the protection of copyright and related rights were carried out mainly on the basis of appeals made by authors and rights holders in order to restore their violated rights.

As proof of this, let's cite several cases as examples:

1. "Based on the appeal of ASAXIY BOOKS limited liability company, it was determined that the Uzbek translation of the author Walter Isaacson's work entitled "Steve Jobs", which



belongs to the company on the basis of a license agreement, is being distributed on some pages on social networks without the consent of the right holder or without signing a contract with the author, and that counterfeit copies of this work are being sold in bookstores. . In this case, the Agency took appropriate measures, and counterfeit copies of the work distributed on social networks were removed.

2. Based on the request of the production cooperative "Luch" of the Russian Federation, the graphic design of the product packaging "Classic" produced by this cooperative is "U. K. L." The Agency took appropriate measures regarding the situation of use by the LLC without the permission of the right holder and this situation was eliminated.

3. On the basis of the request of citizen K. Matyokubov to take legal action regarding copyright infringement by the agency, "Sultan Jaloliddin Manguberdi" by the author K. Matyokubov translated by "F.N" without the consent of the author, it was found that it was published without entering into an appropriate written contract, as well as the author was not paid the copyright fee for this. A report was sent to the head of the publishing house, and an agreement was signed between the author and the publishing house on the payment of the author's fee in the amount of 25 million soums.

4. From the examples given above, we can understand that if the author or the owner of the right knows that the rights to his property are being violated by another person, he must contact the authorized state body or the organizations that manage property rights on a collective basis to restore the violated rights. After all, there is a concept of "author's absolute rights" in our legislation, and the author himself decides whether or not to grant the absolute rights to the work. Therefore, it is not possible to know in advance the violated rights of authors in this field.

Organizations that manage property rights on a collective basis have a special place in the world experience in ensuring the protection of copyright and related rights. The main activity of such organizations is to protect the property rights of their members. Currently, there are five such public associations operating in our country.

It is worth saying that by Law No. 709 "On amendments and additions to certain legal documents of the Republic of Uzbekistan in connection with the further improvement of the legal protection of intellectual property objects" signed by the President of the Republic of Uzbekistan on August 20, 2021, several regulatory legal documents related to copyright changes and additions have been made. By this law, in case of violation of copyright and related rights, the author has been given the right to demand from the persons who committed such an offence to pay compensation in the amount of 20 times to 1000 times the base calculation amount instead of compensation.

In turn, organizations that manage property rights on a collective basis protect the rights of their members using the right provided by this law.

In particular, on January 13, 2022, the Yakkasaroy inter-district court of Tashkent city on civil cases ordered an end to copyright infringement and compensation for copyright infringement against the defendant Sanjar Javberdiyev (Sanjay) in favor of the poet Usman Azim, a member of the Society for the Protection of Authorship and Related Rights of the Republic of Uzbekistan. and a civil case for moral damages was considered. At the end of this case, the court awarded compensation in the amount of 200 times the base calculation amount (54 million soums) and 40 million soums to the poet Usman Azim from the defendant Sanjar Javberdiyev. a decision was made to collect moral damages in the amount of soums.



In addition, the poet Yolchi Roziyev filed a civil lawsuit against the performer Yulduz Usmanova for using his poetic work without permission and against the law. As a result, the court awarded 185 million from executor Yulduz Usmanova to poet Yolchi Roziyev. a decision was made to collect compensation in the amount of soums.

From the above cases, we can see that in today's developing civil society, the efforts of creators to protect their property and personal non-property rights to their works, not by complaining to any state organization, but by independent judicial process, show positive results.

To increase legal literacy on copyright and related rights in the society, the agency regularly conducts promotional events.

For example, in 2021, more than 150 propaganda performances were organized in the mass media, travelling meetings, seminars-training and round-table discussions were held with artists. In addition, measures aimed at identifying counterfeit copies of books and preventing their sale were carried out in shopping centres across the republic, including bookstores located in the "Quyoshli" and Chorsu shopping complexes.

It should be noted that during 2021, the Copyright and Related Rights Protection Department of the Agency (this department was established on the basis of the decision of the President of the Republic of Uzbekistan No. PD-4965 of January 28, 2021) will protect the rights of authors. about 90 appeals related to making were considered, about 70 of them or 82 percent were satisfied and the rights of authors and creators were restored.

Below are some examples of these cases:

1. 1. A legal action was taken due to the fact that the musical piece "Armon" by Fuqaro S. Rakhmatov was used without the consent of the author in the "Omad Shou" program broadcast live on "MY5" TV channel and "Youtube" video hosting by the private enterprise "NAMANGAN TUMAN BALIQCHILIK". .

2. It was found that the translation of Rashod Nuri Guntekin's work "Green Night", which belongs to "YANGI ASR AVLADI" LLC on the basis of a contract, was published in 3,000 copies without the permission of the right holder and without concluding a contract in the appropriate manner, starting from August 12, 2021, and the court imposed a fine on the offender.

3. On the basis of the appeal sent by the representative of O. Tukhtaev, a creator under the pseudonym "Imron", reports were issued against the owners of 8 websites that reproduced songs belonging to the creator, and the works were deleted from the web pages.

Based on the author J. Jovliev's appeal to the "Ima_monitoring bot" automated appeals page on the Telegram social network of the Agency, appropriate action will be taken against those who distribute the author's artistic work "Qo'rqma" on social networks without the author's consent. counterfeit copies were deleted from social networks.

1. On the basis of the appeal of the law firm "VINDICATE TRUST", appropriate action was taken against the persons illegally using the audiovisual works belonging to the limited liability company "RAGE CORP" under the license agreement without the consent of the right holder, and counterfeit copies of the audiovisual works were removed from social networks.

2. Take appropriate measures against the violators regarding the fact that the musical work "CUMITE" by the copyright holder T. Askar, a member of the Society for the Protection of Copyright and Related Rights of the Republic of Uzbekistan, was brought to the public's attention without the consent of the copyright owner or without concluding a contract with the organization that manages property rights on



a collective basis.

3. Audiovisual works such as "Chuqur", "Istanbullik kelin", "Ichkarida", "Qora niyat", "Zuleyha" belonging to "MASTER MEDIA PRODUCTION AND BROADCAST" limited liability company (Sevimli TV) on the basis of a contract without the consent of the right holder or the contract appropriate action was taken against the persons who were engaged in making it available to the public without making it, and taking financial advantage of it, and counterfeit copies of these audiovisual works were deleted from social networks.

4. According to the appeal of the Association of Film Producers of Uzbekistan, "Mening yurtim" was used without the permission of the right holder of the audiovisual works "Mr. No One" belonging to "Kinomania" LLC and "Er Bermoq - John Bermoq" belonging to "Fox Music Cinema" LLC. relevant measures were taken against the responsible persons of the TV channel.

5. Based on the author N. Erkabayeva's appeal to the "Ima_monitoring bot" automated appeals page on the Telegram social network of the Agency, appropriate action will be taken against those who distribute the author's work entitled "Magnit Ayol" on social networks without the author's consent. counterfeit copies of this work were deleted from social networks.

Among the appeals considered by the agency, there are also appeals regarding the violation of the rights of foreign authors. In particular, the appeal of I.Sadikov, a citizen of the Republic of Kazakhstan, through the Ministry of Foreign Affairs of the Republic of Uzbekistan, regarding the collection of copyright for his work, was considered and practical assistance was provided in the collection of copyright.

Carrying out the above-mentioned measures and works naturally requires human resources and time. The Copyright and Related Rights Protection Department of the Agency has shown significant results despite the fact that it was established in 2021, as well as with a limited staff, that is, only 2 employees. As you know, on March 18, 2022, according to the relevant decree of the head of our state, the Agency was reorganized as the Department of Intellectual Property within the Ministry of Justice of the Republic of Uzbekistan. Previously, only 2 employees worked in the protection of copyright and related rights, but now a full-fledged Department of Copyright and related rights is established within this department. These organizational and legal reforms have a positive effect on the protection of copyright and related rights of authors, creators and artists in our republic, elimination of existing problems in the field, and the formation of a comprehensive and systematic practice.

CONCLUSION

We must admit that there are still many problems that need to be solved in this field. However, although positive changes have been made in the legislation related to the sector in the last year, these changes cannot solve many problems in the sector in a short period of time, and naturally, such a process requires a certain amount of time. After all, in order for the ongoing reforms to have a positive result, our society must first be ready for such changes, in which not only writers, artists and other representatives of creativity, but also the entire nation should increase the level of legal literacy, as well as public control in the fight against violations. reinforcement is required.

At the end of our words, addressing all our people, we must emphasize that if your copyright or related rights are being violated, in order to protect your rights, become a member of organizations that manage the property rights of authors on a collective basis, and also, in the appropriate manner,



go to court or Contact the Intellectual Property Department of the Ministry of Justice.

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