

COPYRIGHT PROTECTION IN THE DIGITAL ENVIRONMENT

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Annotatsiya. Mazkur tezisdagi bugungi kunda O'zbekistonda mualliflik huquqi himoyasining holati va jarayonlari, xususan bunda mulkiy huquqlarni jamoaviy asosda boshqaruvchi tashkilotlarning o'rni xususida so'z boradi. Bundan tashqari, raqamli muhitda mualliflik huquqining qanday amalga oshirilishi hamda uning muhofazasi haqida keng tahlil qilingan.

Kalit so'zlar: mulkiy huquqlarni jamoaviy asosda boshqarish, mualliflik huquqi, mulkiy huquqlar, foydalanuvchi, mualliflik shartnomasi.

Аннотация. В тезис рассматривается современное состояние и процессы защиты авторских прав в Узбекистане, в частности, роль организаций, управляющих правами собственности на коллективной основе. Кроме того, проводится обширный анализ того, как обеспечивается соблюдение и защита авторских прав в цифровой среде.

Ключевые слова: управление имущественными правами на коллективной основе, авторское право, имущественные права, пользователь, авторский договор.

Abstract. This thesis discusses the current state and processes of copyright protection in Uzbekistan, in particular, the role of organizations that manage property rights on a collective basis. In addition, there is an extensive analysis of how copyright is enforced and protected in the digital environment.

Keywords: management of property rights on a collective basis, copyright, property rights, user, author's agreement.

INTRODUCTION Today, scientific research works are being carried out in the field of improving modern legal mechanisms of copyright protection in Uzbekistan. In this regard, in particular, improvement of contractual and legal frameworks and mechanisms of copyright protection, wide introduction of the institution of "author's contract" in the use of works, strict determination of the rights and obligations of the parties, as well as various methods used in the management of authors' property rights on an international and national scale. finding scientific-theoretical and practical solutions for improving tools and methods is gaining urgent importance.

What do you think is the level of respect for copyright, i.e. literary, artistic and visual works of art in our country? Are copyrighted works used with the consent of the author or other rights holder? Unfortunately, many of these questions today

have no answer or may seem like an "abnormal" question to the person being asked. Yes, that's right, although the Law of the Republic of Uzbekistan "On Copyright and Related Rights" defines the scope of property and personal non-property rights of the author or right holder. There are even rules about paying for personal use. According to Article 1056 of the Civil Code of the Republic of Uzbekistan, the author has exclusive rights to use the work in any form and in any way. According to this code, the owner of property rights to the result of intellectual activity or a means of reflecting private signs has the right to use this object of intellectual property in any form and in any way at his discretion.¹

Most importantly, today copyright objects are divided into (a) literature and publishing, b) music and theater, c) cinema, d) radio and television, e) photographic works, f) exhibition and ma "databases, g) visual and graphic works, h) advertising services, j) organizations managing property rights on a collective basis) occupy a large place in the economy of developed foreign countries. In particular, in 2019, the share of the copyright industry in the gross domestic product of the United States reached 2.5 trillion (2,568.23 billion) US dollars, making up 11.99 percent of the country's economy.² Also, the International Confederation of Authors and Composers (CISAC) unites more than 250 organizations that manage property rights on a collective basis from more than 130 countries. million US dollars.

METHODS

It should be noted that in order to create and increase the share of copyright objects in the economic indicators of the country, in our opinion, first of all, it is necessary to ensure the issues of its legal protection. Researches related to the management of property rights by scientists working in this field are limited from a theoretical point of view. It should be recognized that the demand for copyright and related rights objects written by Uzbek artists is very strong in Central Asia and foreign countries. I think it is enough to apply copyright and economic rules and mechanisms to these processes. The reason is that our regulatory legal documents in the field fully comply with the requirements of international agreements and conventions and should be called "perfect" if possible. However, in practice, it can be seen that the above legal norms and the principles of respect for copyright almost do not "work". In this regard, first of all, increasing the role of "intellectual property institutions" is the demand of the times. Among these institutions, it is possible to include organizations that manage property rights on a collective basis, technology

¹ Qonunchilik ma'lumotlari milliy bazasi, [National Legislative Database] 21.08.2021- y., 03/21/709/0808-son.

² Copyright Industries in the US Economy. [Available at: <https://www.iipa.org/files/uploads/2020/12/2020-IIPA-Report-FINAL-web.pdf>].

and innovation support centers, patent representatives, research and educational institutions. In particular, in copyright, organizations that manage property rights on a collective basis are the main legal mechanism and tool. The main aspect of the research work in this direction is seen in the cases related to the protection of rights in courts and the claim of moral damages by the organizations that manage property rights on a collective basis. These questions constitute the main research methods.

RESULTS

It is known that the issue of ensuring the protection of works protected by copyright is urgent today, with the rapid development of technology. After all, ensuring the protection of the work by the author or the right holder is very difficult and financially very expensive, if necessary, it can be said to be impossible. After all, the level and scope of using wireless communication tools is very wide. It is enough to think about the issues of agreement and monitoring with each user. Especially the development of the border less Internet (virtual) environment clearly confirms this. In this process, the elements of market relations themselves play an important role. Property rights management organizations on a collective basis play an important role in solving the above problem and as a participant in market relations.

Organizations that manage property rights on a collective basis are organizations that act on behalf of the owners of these rights. On behalf of the rights holders, such organizations negotiate definitions with users, issue licenses for the use of protected works, distribute funds from the use of works among their members, and control the order of use.³

It should be noted that authors and rights holders should take the initiative to create such organizations. In particular, in Article 56 of the Law of the Republic of Uzbekistan "On Copyright and Related Rights", authors, performers, producers of phonographs or other rights holders of works of science, literature and art, in order to exercise their property rights It is established that they have the right to form organizations that manage their property rights on a collective basis.⁴

It is known that the author or the owner of rights transfers the management of rights to his works to organizations that manage property rights on a collective basis. This process is carried out on the basis of licensing. Licensing of copyright can be done in the following ways: firstly, users who have a good reputation among society

³ Collective Management Organisations and competition law [Available at: <https://chambers.com/articles/collective-management-organisations-and-competitionlaw-2>].

⁴ Qonunchilik ma'lumotlari milliy bazasi, [National Legislative Database] 21.04.2021 y., 03/21/683/0375-son, 21.08.2021 y., 03/21/709/0808-son. [Available at: <https://www.lex.uz/acts/1022944>].

and consumers come and sign contracts with organizations that manage property rights on a collective basis for the use of works protected by copyright; secondly, the users receive a license and pay the corresponding royalties, and in turn, the organizations that manage property rights on a collective basis pay it to the authors (right holders) after deducting the corresponding fee (for administrative costs); Organizations that manage property rights on a collective basis monitor the use of works in their register and take legal action as necessary.⁵

DISCUSSION

In addition to the above, organizations that manage property rights on a collective basis provide their members (authors, performers, composers) with the function of controlling the use of their works.⁶

This is part of the obligations of organizations that manage property rights on a collective basis. Article 59 of the Law of the Republic of Uzbekistan "On Copyright and Related Rights" includes the following obligations: - right simultaneously with payment, providing rights holders with reports containing information on the use of their rights; - use of the collected amount only for distribution and payment to the right holders; - to distribute and regularly pay the collected fee sums in proportion to the actual use of the works and objects of similar rights; - to distribute and pay the collected fee directly to the right holders and (or) to transfer it to other organizations representing the interests of the right holders of the relevant category for distribution and payment to the right holders on the basis of agreements concluded with these organizations.⁷

Currently, a number of public associations of this type have started to operate in our country, their number is growing (6) and their activities are improving. In particular, in 2019 alone, 3 author societies were registered as non-governmental non-profit organizations by the Ministry of Justice of the Republic of Uzbekistan. For comparison, there are 2 such organizations in Azerbaijan, 28 in Turkey, 2 in Tajikistan, 8 in Kazakhstan, and in Kyrgyzstan, people collect and distribute royalties from users for authors and right holders.

CONCLUSION

⁵ Zijian Zhang. Rationale of collective management organizations: an economic perspective. doi 10.5817/mujlt2016-1-4. P.75.

⁶ . Collective Management of Copyright and Related Rights, World Intellectual Property Organization (last visited May 11, 2017), [Available at: <http://www.wipo.int/copyright/en/management/>].

⁷ . Qonunchilik ma'lumotlari milliy bazasi [National Legislative Database], 21.08.2021 y., 03/21/709/0808-son. [Available at: <https://www.lex.uz/acts/1022944>]

Based on the above, in recent years, there has been an increase in copyright disputes in Uzbekistan. This in itself indicates that the institutions of this direction (organizations that manage property rights on a collective basis) are actively working and that creators understand their rights. At the same time, it should be noted that a number of reforms are being implemented in Uzbekistan to ensure the protection of the property rights of authors and copyright holders. In particular, this includes ensuring the legal rights and interests of authors, related rights holders and other rights holders, as well as the fair collection of their royalties.

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