

Legal foundations of intellectual property rights in the republic of Uzbekistan

Sarsenbaeva Ellada Tengelbayevna

Student of the Faculty of Law, Karakalpak State University, Uzbekistan

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Abstract: Copyright plays a crucial role in encouraging creative activity in society and protecting the rights of authors. This right serves to safeguard creators' works from illegal use and ensure their property and personal interests. In the Republic of Uzbekistan, the legal foundations for copyright protection have developed since independence in accordance with international standards. In particular, the Law «On Copyright and Related Rights,» adopted in 2006, serves as a fundamental legal basis in this area.

This article examines the legal framework for copyright protection in Uzbekistan, the existing legislation, the types of liability for copyright infringement, and issues related to copyright protection in the digital environment. Additionally, existing problems, possible solutions, and international practices are analyzed.

Keywords: Copyright, related rights, intellectual property, copyright objects, copyright subjects, civil liability, administrative liability, criminal liability, Intellectual Property Agency, Berne Convention, Rome Convention, counterfeit copies.

Introduction: Copyright is a set of exclusive rights that regulate the author's rights over works resulting from creative activity. These rights grant the author the ability to create, use, distribute, and protect their work. According to the Law of the Republic of Uzbekistan «On Copyright and Related Rights,» copyright arises based on the fact of the creation of a work and does not require registration or any other formal procedures.

When discussing the legal foundations of copyright, it is essential to consider the objects and subjects of copyright. Objects of copyright include works of science, literature, and art, such as textual, musical, dramatic, choreographic, and audiovisual works; works of visual and applied decorative arts; architecture, urban planning, and landscape design; photographic works, maps, as well as computer programs and databases— all of which are results of creative activity.

Subjects of copyright are the authors who created these works or their legal successors, as well as other individuals or legal entities that have obtained the right to use the works under legal provisions or contractual agreements.

Copyright arises automatically from the moment a work is created, and its registration is not required. It

encompasses both personal non-property rights (such as authorship, the right to be credited, and the right to maintain the integrity of the work) and property rights (such as the right to use the work and derive financial benefits from it).

The duration of copyright protection extends throughout the author's lifetime and continues for 70 years after their death. Copyright protection is determined by the national legislation of each country, meaning that each state establishes its own rules for safeguarding copyright within its jurisdiction. However, Uzbekistan is a party to international treaties and conventions on copyright protection, ensuring the recognition and enforcement of copyright on a global scale.

In the Republic of Uzbekistan, copyright is regulated by the following normative legal documents:

1. The Law of the Republic of Uzbekistan «On Copyright and Related Rights» – This law was adopted on July 20, 2006, and regulates relations related to the creation and use of scientific, literary, and artistic works (copyright) as well as performances, phonograms, and broadcasts of organizations transmitting via radio or cable (related rights). The law defines copyright

objects, the author's personal non-property and property rights, subjects of related rights and their entitlements, as well as methods of protecting these rights.

2. Copyright-related provisions of the Civil Code of the Republic of Uzbekistan – Articles 1041–1081 of the Civil Code govern relations concerning copyright and related rights. These articles outline copyright objects, the emergence of copyright, the author's personal non-property and property rights, related rights, and the procedures for protecting these rights.

3. The Intellectual Property Agency and its powers – The Intellectual Property Agency operates in Uzbekistan to implement state policy in the field of intellectual property, protect copyright and related rights, and perform regulatory and supervisory functions in this sphere. The agency is responsible for protecting copyright and related rights, raising legal awareness, improving legislation, and developing international cooperation.

Additionally, Uzbekistan is a party to several international treaties and conventions in the field of copyright, which means the country is committed to adhering to international standards. These agreements include:

- **Berne Convention** – Uzbekistan joined the Berne Convention for the Protection of Literary and Artistic Works in 2004. This convention ensures the protection of authors' rights over their literary and artistic works.
- **TRIPS Agreement** – Since Uzbekistan is not a member of the World Trade Organization (WTO), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is not directly applicable. However, the country strives to comply with international standards in intellectual property rights protection.
- **Rome Convention** – On June 5, 2024, Uzbekistan became a party to the International Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations (Rome Convention, October 26, 1961).

These normative legal documents and international agreements form the legal foundation for regulating and protecting copyright and related rights in the Republic of Uzbekistan.

It is important to note that the legislation of the Republic of Uzbekistan on copyright also establishes legal liability for violations in this field. The types of liability include:

Civil Law Responsibility. In case of violation of copyright or related rights, the copyright holder can

appeal to the court. Applying to the court requires the cessation of the offense, compensation for damages, and confiscation of illegally reproduced copies of the work. Also, losses caused to third parties as a result of the offense may be recovered at the expense of the offender.

Administrative Responsibility: According to the Code of Administrative Responsibility of the Republic of Uzbekistan, persons who violate copyright and related rights are subject to fines. In this case, the amount of the fine for citizens may be from one to five, and for officials - from five to ten basic calculated values.

Criminal liability: Based on Article 149 of the Criminal Code, criminal liability is established for gross violations such as copyright infringement. Penalties such as fines, compulsory community service, or restriction of liberty are applied for such violations.

In the Republic of Uzbekistan, important steps have been taken in the field of protection of copyright and related rights. The Law «On Copyright and Related Rights» adopted on July 20, 2006, and the relevant norms of the Civil Code of the Republic of Uzbekistan regulate these rights. The Intellectual Property Agency plays an important role in this area, contributing to the protection of rights and increasing legal knowledge.

Uzbekistan also accedes to international treaties, including the Bern Convention and the Rome Convention, recognizing and protecting copyright at the international level. Civil, administrative, and criminal liability measures for copyright infringement have been established, aimed at preventing offenses and protecting the interests of copyright holders.

In the future, it is planned to further improve legislation in this area, strengthen the activities of law enforcement agencies, and enhance the legal culture of the population.

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- Berne Convention – International treaty for the protection of literary and artistic works.
- Rome Convention – International convention for the protection of performers, producers of phonograms, and broadcasting organizations.