



Research Article

HISTORY, CONCEPT AND LEGAL ANALYSIS OF COPYRIGHT

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ABSTRACT

This article presents proposals on the history, concept of copyright and legislation developed in the Republic of Uzbekistan in this area.

KEYWORDS

Copyright, property law, personal non-property rights, a work of science, literature and art.

INTRODUCTION

Since time of immemorial, humans have sought to protect unusual and unique things. Therefore, the emergence of the concept of intellectual property

has a long history. The law, which was originated in European countries with respect to intangible results of intellectual activity (literature, works of

art, inventions, etc.), covers more than 200 years. Of course, this concept is based on the right to own material things.

It should be noted that copyright means the creation of works of science, literature and art, the legal regulation of relations arising in connection with their use. According to the legislation, works in the form of information, interviews, articles, works of science, literature and art are protected as objects of copyright.

The first law passed in England in 1709 by Queen Anne shows that copyright is officially recognized by law. According to the law, the author was granted permission to reproduce a copy of his work for the first time, as a result of which the term "copyright" appeared. This Law defines the publisher's right to publish for 14 years from the date of publication, and during the author's lifetime this period is extended for another 14 years.

Two laws passed in France from 1791 to 1793 guaranteed the protection of all types of literary, dramatic, musical and visual creativity.

After England and France, copyright legislation was adopted by other European countries. In 1886, the Berne Convention for the Protection of

Literary and Artistic Works was adopted, followed by other international conventions regulating the field of intellectual property.

It would not be an exaggeration to say that the French experience of legal regulation of copyright relations served as the basis for the adoption of the Universal Declaration of Human Rights, adopted by UN General Assembly resolution 217 A (III) of December 10, 1948. Article 27 states that "Everyone has the right to freedom of movement and residence within the borders of each state." [1].

B. Toshev noted that in Uzbekistan during the reign of Amir Temur and the Temurids, much attention was paid to the issues of authorship. The work of Amir Temur "Gulshani roses" attracted the attention of the poet Mahmoud Shabistari, who writes that he directed them to material encouragement [2].

As noted above, the Berne Convention was established in 1886 and is one of the universal international conventions for the protection of works of science, literature and art and their copyrights. Uzbekistan is a party to the Convention, and the protection of literature and

art in the Republic of Uzbekistan is equally protected.

The Constitution of the Republic of Uzbekistan defines the legal basis of copyright. In particular, article 42 of the Constitution guarantees citizens the direct use of the achievements of science and technology. Such constitutional rights and freedoms allow all of us to engage in creativity, effectively use the results of our intellectual activity, freely distribute the products of our thinking [3].

Moreover, in 2006, the Law of the Republic of Uzbekistan "On Copyright and Related Rights" was adopted in a new edition. It should also be noted the Law of the Republic of Uzbekistan "On the legal protection of programs and databases created for computers", adopted in 1994.

Copyright extends to works of science, literature and art that are the result of creative activity, regardless of their purpose and meaning, as well as the method of expression.

Works of science fiction according to Article 2 of the Berne Convention, the term "works of literature and art" means books, pamphlets and other written works in the field of literature, science and art and regardless of the style and

form of their creation; lectures, proclamations, religious sermons and other similar works are dramatic and musical-dramatic works; choreographic works and pantomimes; textual and non-textual musical art; cinematographic works created by cinematographic methods; paintings, works of art, works of architecture, works of sculpture, graphics and lithography; photographic works created using photographic equipment; works of applied art; illustrations; geographical maps, plans and sketches; covers subjects such as plastic works related to geography, topography, architecture and other sciences [4].

Thus, copyright is an integral part of intellectual property law, which is a set of civil law rules governing relations.

The subject of copyright is the person or citizen who created the product of creative work. In accordance with the provisions of the Civil Code of the Republic of Uzbekistan, citizens of the Republic of Uzbekistan, foreign citizens and stateless persons can be distinguished as subjects. Therefore, not only the works of adults, but also minors have access to legal protection.



Article 29 of the Civil Code of the Republic of Uzbekistan establishes that transactions for minors under the age of fourteen can be made on their behalf only by their parents, adoptive parents or guardians. Persons aged 14 to 18 years independently exercise their rights, including copyright.

Legal entities cannot be authors of works, but they can be copyright holders (copyright holders), but the personal non-property rights of the author belong to him regardless of his property rights, and the exclusive rights to use the work remain with him.

Property and personal non-property rights are not only closely related to copyright, these rights are one of the most important concepts of civil law. Therefore, we consider the specifics of these rights from the point of view of copyright [5].

According to article 18 of the Law of the Republic of Uzbekistan "On Copyright and Related Rights", the author of the work owns the following personal non-property rights:

- The right to be recognized as the author of the work (copyright); the right to use or authorize the use of the work without the signature of the author's real name, pseudonym or without

specifying his name (the right to the author's name);

- The right to publish or permit the publication of the work in any form (the right to publish), including the right to recall; the right to protect the work, including its title, from any distortion or other encroachment that could damage the honor and dignity of the author (the right to protect the reputation of the author);
- Repetition of the work (right to repeat);
- Distribution of the original or copies of the work by sale or transfer of ownership to another person in a special way (the right to distribute);
- To bring the work to the public (the right to bring it to the public);
- Rental of the original or copies of the work (rental right);
- Import of copies of the work for distribution, including copies made with the permission of the owner of the exclusive copyright (the right to import);
- Sending the work to the public by cable or other similar means (the right to communicate by cable);



- Making corrections to the work, its arrangement or other reworking (the right to rework);
- Public display of the work (the right to public display);
- Public performance of the work (the right to public performance);
- Bringing the work to the public by means of wireless communication (the right to broadcast);
- Translation of the work (right to translation);
- Re-presentation of the work for public information, if such presentation is carried out by an organization other than the organization that submitted the initial submission (the right to re-presentation for public information).
- The author has the right (remuneration) for each type of use of his work [6].

Unlike developed countries, Uzbekistan does not have an effective system of protection and protection of intellectual property rights. One of the most serious problems is copyright infringement, replication, distribution of counterfeit copies of works or related rights, as well as insufficiently perfect legislation to bring responsibility for publicity [7].

However, in 2019, the Code of the Republic of Uzbekistan on Administrative Responsibility was amended and supplemented with new articles, such as "Violation of copyright and related rights" (1771) and "Violation of rights to inventions, utility models and industrial designs" (1772), in practice, these practices of prosecution under two articles are practically absent.

In conclusion, despite the fact that the Civil Code of the Republic of Uzbekistan contains current legislation, there are still many problems in the field of intellectual property protection.

Thus, to date, ensuring the protection of intellectual property is the most important of the legal and economic reforms of the Republic of Uzbekistan.

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