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Research Article

COPYRIGHT PROTECTION IN SOCIAL NETWORKS: PROSPECTS OF LEGAL REGULATION IN UZBEKISTAN

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Khujayev Shokjakhon Akmaljon Ugli

Head Of Intellectual Property Law Department At Tashkent State University Of Law, Phd In Law, Uzbekistan

ABSTRACT

This article analyzes the features of copyright protection in social networks, as well as on the Internet. The author of the article analyzed the features of international acts and the national legislation of the Republic of Uzbekistan. Taking into account the analysis, the author has developed conclusions on the need to strengthen the protection of authors' rights on the Internet, the harmonization of legislation of the countries of the world.

KEYWORDS

Content, social networks, copyright protection, provider, user.

INTRODUCTION

Today, in international practice, in particular in Uzbekistan, there are difficulties in protecting related rights in telecommunications. So, along with the development of new methods of protection, new methods are being developed that would help to commit copyright misappropriation. A lot of illegal programs are a source of distribution of counterfeit material, social networks are no exception. For example, social networks contain a huge amount of audio and video information that is distributed between users illegally. This is a separate problem,

since it is difficult to determine who should be held accountable for the illegal dissemination of information – the creators of social networks or their users. Attracting the latter seems to be quite problematic, since it is difficult to track exactly which user became the source of information dissemination. In addition, the difficulty lies in the fact that at the international level it is not legally defined who should be held accountable, and what measure of restraint should be chosen. It seems that it is worth regulating copyright protection in general on the Internet.

A lot of works have been written on this issue, but problems remain. Its essence lies in the fact that now there are a number of Internet sites on the Internet that publish copyrighted materials, but without instructions from the authors, sources of borrowings, without the permission of the author and the copyright holder.

Currently, information is one of the world's «resources», plays a big role in human life. An extensive mass of information is concentrated on the Internet, so that anyone who has provided access to it can quickly get interesting information in any format. And, of course, in these conditions, there is an urgent problem of abuse of freedom of access and easy accessibility, which is represented by the Internet system, which, for its part, entails frequent violation of the rights of authors. Very often a negative phenomenon of our time is the use of someone else's author's work for their enrichment, satisfaction of various consumption.

The Internet has a global character, which means the unification of all citizens of the globe who have access to it, which indicates the international nature of the copyright problem in the global Internet network. At the same time, it is important to note that effective control of the actions of Internet users is a very time-consuming task that requires significant resources and can cause outrage in social networks.

Therefore, today, a very important issue is the creation of an effective system of legal regulation of the actions of Internet users. It is extremely important that States pay attention to this issue – both in the aspect of domestic and international.

One of the most famous international legal acts dealing with the issue of copyright regulation is the Universal Copyright Convention of 1952 and the Berne Convention for the Protection of Literary and Artistic

Works of September 9, 1886. Of course, these acts could not pay attention to the issue of regulating information turnover in the Internet system. The World Intellectual Property Organization Performances and Phonograms Treaty and the World Intellectual Property Organization Copyright Treaty, defined by the peculiarities of the regulation of legislation on the protection of copyright on a digital basis, have been ratified in the Republic of Uzbekistan. One of the most important aspects of these treaties is the application of a new term - information about rights. The introduction of this concept allows us to say unequivocally that a particular person is the author of certain information, for example, about a musical composition located on the global network. At the same time, specifying this information allows you to determine who exactly has the right to information, which can also facilitate the use of electronic signatures. In article 12 of the Copyright Treaty, the participating countries undertake to take a number of measures against those who, without permission, perform various manipulations of information material for which there are copyrights.

Nevertheless, despite such legal acts and attempts to modernize the system of regulation of information manipulation by Internet users, numerous users – both very experienced in the field of working with information, and ordinary people, find new and new ways to exchange information, without regard to copyright. One of the resources used by these users are torrent trackers and social networks. For example, the popular social network VKontakte allows us to discover the largest masses of information, in particular musical compositions and films distributed in violation of copyright. Such a problem is also relevant for such popular social networks as Facebook as well. Of course, this social network has an international character, which determines the nature of the above

problem. Thus, it is really relevant to form a detailed system of legal regulation that corresponds to the spirit of the time, which would ensure the protection of copyright on the Internet.

Considering the problem of protecting the rights of authors in the global information environment, one can also refer to the experiences of the USA, the EU and the USA. In the European Union, copyright issues are regulated by the EU Directive 2001-29 EC, and in the USA a similar act is the Digital Millennium Copyright Act (DMCA). These laws are aimed at creating a kind of «safe space» for an information intermediary. For example, the DMCA defines that an information intermediary is not responsible for the location of information by a person violating copyright in cases where:

1. The intermediary did not have information that the location of information materials violates the rights of third parties;
2. The intermediary did not have information about the facts confirming the activity that violated the rights of third parties, and upon receipt of this information did everything necessary to block access to illegally posted content;
3. The intermediary has no material benefit from the illegal placement of information materials.

It should also be noted that this regulatory act provides that the intermediary's responsibilities are removed for creating the same copy of files for a certain period of time in order to speed up access to the file.

In addition, you can refer to the experience of the French protection of authors' rights in the information space. In France, a law on the protection of authors' rights in the global information space was adopted in 2009. This regulatory act defines, for example, such a

measure as issuing three warnings to a user who has violated copyright, after which it is possible to apply certain sanctions in the form of a fine. In this case, the responsibility lies with the person for whom the connection was registered.

In Uzbekistan, the problem of developing legal regulators similar to the above is very acute, since the segment is very significant on the global Internet, but at the same time it is very difficult to control. One of the first steps aimed at improving the legislative regulation in the field of copyright protection on the Internet is the adoption of the resolutions of the President of Uzbekistan «On measures to improve the system of protection of intellectual property objects» (2021) and «On additional measures for the further development of intellectual property» (2022). These regulations provide the possibility of blocking information resources on which any content is located in violation of copyright, at the request of the copyright holder. Upon receipt of a request from the copyright holder to remove information content from the site, its owner undertakes to perform this operation within one day. If the site owner does not delete the content posted in violation of copyright, then access to his site may be blocked. These legal acts also determine the obligation of the owner of the information resource to indicate contact information.

Also, one of the normative acts aimed at protecting copyright in Uzbekistan is the Law of the Republic of Uzbekistan «On Copyright and Related Rights» and the Civil Procedure Code of the Republic of Uzbekistan, which ensure the right of the copyright holder, if an object of copyright posted on the Internet without permission, to apply to the authorized state body with an application having the purpose of the adoption by the state of measures aimed at restricting access to the

site on which the copyright object is illegally distributed.

Thus, based on the above information, it can be argued that today there is a gradual improvement in the legal system of copyright protection on the Internet. Many States adopt acts aimed at protecting the rights of authors on the Internet. International acts, for example, of the European Union, have also been adopted. Of course, it is important to improve copyright protection on the Internet both at the domestic and international levels. Nevertheless, it should be noted that no matter how important it is to establish legal control over actions related to copyright at the domestic level, nevertheless, a complete and effective solution to the problem of copyright infringement on the Internet is possible only at the international level. The Internet is a global network, and establishing control over it only in one state will not help to fully protect copyright, since there are ways that allow computer programs to circumvent the ban at the domestic level, implemented in practice by blocking various sites. Thus, it is extremely important today to form a legal system at the international level that ensures copyright protection on the Internet.

With the development of digital technology and the expansion of the Internet, intellectual property has undergone a massive transformation. A huge number of intellectual property objects, in particular works of science and literature, art, films, phonograms, images and computer programs have become available in digital form via the Internet.

Unfortunately, the legal framework and law enforcement practice does not keep pace with the rapid development of virtual relationships and leads to the emergence of offenses that require their resolution and settlement.

It should be noted that now most of the offenses on the Internet are directly related to copyright infringement. First of all, it is the distribution of works without the permission of the copyright holders. Thus, the issues of protecting their rights have become acute for copyright holders. It should be noted that such violations can be both criminal and civil, and therefore the protection of violated rights will take place using various legal methods.

The issue of the need to strengthen the protection of copyright and related rights is becoming relevant for almost all countries. Most international acts, one way or another, related to information exchange pay special attention to this issue.

In order to improve and maintain the protection of authors' rights to their literary and artistic works in the most effective and uniform manner, taking into account the possibility of using information and communication technologies in the dissemination of literary and artistic works, the World Intellectual Property Organization Copyright Treaty (WIPO) was signed in 1996 within the framework of the Berne Convention. This Agreement does not affect the freedom of the Contracting countries, granting the exclusive right to their authors of literary and artistic works to allow the public to bring to the public the original and copies of their works through the sale or other transfer of ownership. WIPO emphasizes the need to bring the national legislation of the participating countries in line with modern requirements dictated by the use of information technology.

Realizing the urgency of protecting the rights of copyright holders on the Internet, the Republic of Uzbekistan ratified the Berne Convention and on July 20, 2006 adopted the Law «On Copyright and Related Rights» in a new edition. In the new version of the law,

a norm has appeared aimed at ensuring the application of copyright on the Internet. The law is reflected in Article 8 of the WIPO Copyright Treaty of 1996, which stated that «the rights to make a work available to the public in such a way that members of the public can access such works from any place and at any time of their own choice.»

This means that the author has the exclusive right to use the work on the Internet. Any use of the author's work on the Internet must be «authorized», that is, authorized by the author. If the author does not agree, then his work cannot be put on the Internet. All other author's rights enshrined in the law have been transferred to the Internet through a narrow legal bridge called the «right to make public». A legal link was created between traditional copyright and modern information technologies.

It should be noted that the new version of the law included two more rules concerning technical measures (Article 63 of the Law) for copyright protection and information on copyright management (article 64 of the law). Article 63 of the Law prohibits actions aimed at eliminating or circumventing technical means of protecting copyright and related rights.

Criminal, civil, and administrative liability is provided for violation of copyright and related rights. Protection is carried out by the court, and the Law of the Republic of Uzbekistan defines the following methods of protection by demanding from the violator: recognition of rights; restoration of the situation that existed before the violation of the right; compensation for losses, including lost profits; compensation instead of compensation for losses or recovery of income; adoption of other measures provided for by legislative acts related to the protection of their rights; compensation claims moral harm.

Thus, the main protection of copyright is carried out by claiming protection through the court.

To resolve these issues, it is necessary to adopt international legal acts and unify the national legislation of the countries.

1. First of all, there is a demand for legal frameworks aimed at regulating Internet relations. For example, in some countries, laws «On the national segment of the Internet», «On Internet services», etc. have already been adopted or are being discussed. It is considered important to adopt such laws in the aspect of regulating Internet relations, which also include copyright issues.

2. At the legislative level, there is a need for a clear definition of the conceptual apparatus, the applicable law in cross-border Internet relations, the rights and obligations of Internet service providers (ISPs).

3. It should be noted that the harmful influence of those who support the idea of free distribution and copying of any information on the Web is of no small importance.

All this requires the improvement of international, national legal and doctrinal foundations, as well as the development of relevant legal relations in this area.

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