

TRENDS IN THE DEVELOPMENT OF COPYRIGHT PROTECTION IN UZBEKISTAN AND AZERBAIJAN: COMPARATIVE ANALYSIS AND PRACTICE

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Annotation: *This article will talk about the trends in the development of copyright in the post-independence period in Uzbekistan and Azerbaijan. In particular, an analysis of the legislation and norms of the two countries is presented. Also, as a particularly important institution of copyright, the Institute for collective management of property rights, violations, and liability classification are covered. The article spoke about the international treaties ratified by Uzbekistan and Azerbaijan and their essence. The conclusion noted that it is necessary to develop cooperation in this direction due to the fact that the two countries are very close to each other in cultural, ethnic, and linguistic terms.*

Keywords: *copyright, related rights, telecommunications, collective management of property rights, infringement.*

Today, people need for information has reached a higher level than ever, and this process is difficult to imagine without copyright objects. It is known that it is important to legally regulate the use of copyright objects. Especially as a result of the extensive development of telecommunications networks, the processes associated with this are becoming more important. This process is unique to countries in economic transition. In particular, development trends related to copyright protection are observed in Uzbekistan and Azerbaijan.

Both countries are considered very close to each other in terms of Turkic-speaking cultural aspects. At the same time, Uzbekistan and Azerbaijan were post-Soviet countries, and the processes associated with the development of copyright and related rights occurred mainly after independence was achieved.

At the same time, copyright relations between the two countries were established in their first year of independence. On May 27, 1996, an agreement on cooperation in the field of culture were signed between the Government of the Republic of Uzbekistan and the Government of the Republic of Azerbaijan in Baku . Article 11 of this agreement establishes that the parties will promote cooperation between the Republic of Uzbekistan and the Republic of Azerbaijan in the field of copyright protection.

In 1996, the Copyright Law of Uzbekistan was adopted. It is known that in 2004 Uzbekistan joined the “Bern Convention on the protection of literary and artistic works”. After joining this international convention, the law “On copyright and related rights” was adopted in

Uzbekistan in 2006 in a new edition. There is also has another law “On the legal protection of programs and databases created for electronic computing machines”, aimed at protecting software and databases in Uzbekistan. Copyright protection in Azerbaijan is primarily regulated by the law “On Copyright and Related Rights”, which complies with international treaties such as the Berne Convention. The Law protects various types of works, including literary, artistic and scientific works, as well as related rights such as the rights of performers, producers of phonograms and broadcasting organizations. It should be noted that Azerbaijani law on copyright is considered somewhat broader. In particular, these include:

- The Law of the Republic of Azerbaijan on Copyright and Related Rights;
- The Law of the Republic of Azerbaijan on the legal protection of expressions of Azerbaijani folklore;
- The Law of the Republic of Azerbaijan on legal Protection of databases;
- The Law of the Republic of Azerbaijan on Ensuring Intellectual Property Rights and Combating Piracy.

The provisions on intellectual property law in Uzbekistan are reflected not only in special laws on the field, but also in the Civil Code.

It should be noted that in the legislation of Uzbekistan and Azerbaijan, the right to copyright also arises with the creation of the work, and the protection procedure is the same. In particular, the owner of exclusive copyrights can use the copyright protection symbol to inform them of their rights, which will be reflected in each copy of the work and will consist of the following three elements:

- the Latin letter “C” inside the circle;
- name-share (name) of the owner of absolute copyrights;
- the year the work was first published.

Law enforcement mechanisms in Azerbaijan and Uzbekistan include civil, administrative and criminal measures. Civil enforcement usually involves seeking damages or injunctions through the courts. Administrative measures may include penalties for copyright infringement, especially for illegal reproduction or distribution of copyrighted works. In cases of serious violations, criminal prosecution can be applied, which entails penalties such as fines or imprisonment.

The main work on the analysis of copyright violations is carried out by the Intellectual Property Agency of the Republic of Azerbaijan. Thus, according to the Agency's 2023 report, the Agency received 55 complaints of copyright infringement during the year. One of the most pressing issues regarding copyright violations in Azerbaijan is the violation of these rights by creating pirated copies of protected works and importing them into the country. Objects of this type include audiovisual works, phonograms, computer programs, databases, and books). The fight against piracy in this area is conducted by applying control marks on copyrighted products. It should be noted that in 2014, the resolution of the Cabinet of Ministry the Republic of Azerbaijan “On approval of the form, accounting, use and issuance of control marks” was adopted, which covers issues related to the use of control marks. According to Article 1.3 of the Resolution, control marks for copyrighted objects are issued by the Agency. This measure has been instrumental in significantly reducing the number of pirated copies of books in the

country. Thus, according to statistics provided in the Agency's latest report, compared to 2005, the level of piracy in the sale of books to the country by 2023 decreased from 61% to 20%, audio-visual products from 90% to 53%, and in software from 96% to 70% .

Copyright violations in the virtual space have also become very frequent. Copyright violations on the Internet in Azerbaijan, as in many other countries, are of serious concern. Common forms of copyright infringement on the Internet include, for example, illegal downloading and distribution of copyrighted materials. This includes movies, music, software, and other digital content uploaded without the copyright holder's permission. This category also includes streaming copyrighted content without permission. This includes streaming movies, TV shows, music, and other content without the necessary licenses or permissions. A separate category of violations includes publishing copyrighted materials without permission. This includes uploading articles, images, videos, and other content to websites or social media platforms without the copyright owner's consent.

One of the most common types of copyright infringement in Azerbaijan is the use of pirated copies of software or media. This includes making unauthorized copies of software, movies, music, or other digital content and distributing them over the Internet. To solve these problems, Azerbaijan has adopted laws and regulations protecting copyright on the Internet. These laws are aimed at combating piracy and ensuring that copyright holders can protect their intellectual property rights in the digital environment. However, enforcement of these laws may be difficult due to the global nature of the Internet and the ease with which content can be shared and distributed online. Measures taken to combat copyright infringement on the Internet in Azerbaijan include procedures for monitoring and removing illegal content and platforms. Also, copyright holders can file a lawsuit against violators in civil and even criminal proceedings. A very important role in these processes is played by informing the public about copyright laws and the importance of respecting intellectual property rights. In general, effective enforcement of online copyright laws in Azerbaijan requires a combination of legal measures, technological solutions, and public awareness campaigns.

It should be noted that together with the Berne Convention on the protection of literary and artistic works in the field of copyright and related rights of Uzbekistan and Azerbaijan, “WIPO internet treaties”, “Convention on the Protection of the Interests of Producers of Phonograms from the Illegal Reproduction of Their Phonograms”, “Morocco Treaty on Facilitating Access to Published Works for the Blind and Visually Impaired or Other Persons with Disabilities to Perceive Printed Information”. Azerbaijan, in contrast to Uzbekistan, also ratified the “International Convention for the Protection of the Rights of Performers, Producers of Phonograms and Broadcasting Organizations” (Rome convention). Uzbekistan today carries out work to join this international treaty. The importance of the Rome convention was that the norms for it were superseded by the TRIPS agreement of the WTO. Currently, work is being carried out by Uzbekistan and Azerbaijan to enter the WTO. For this reason, it can be considered that the ratification of the Roman convention focused on alleviating to some extent the processes associated with membership in an international organization.

The ratification of the above WIPO “internet treaties” by Uzbekistan and Azerbaijan has been achieved to strengthen their exclusive rights by providing the author and rights holders

with important means of protection. "Using this rule, authors began to apply technical techniques of varying degrees of protection to their works" .

Also, the norms of the institute for collective management organizations, one of the most important institutions of copyright in the legislation of Uzbekistan and Azerbaijan, have the same content. Only a special aspect in Azerbaijan law and practice is that collective management organizations in this country on a collective basis must operate by passing the registration (accreditation system) from the relevant authorized governmental organization . Although such a practice is prescribed in the Copyright Law of Uzbekistan to be regulated by the government through an appropriate decision, to this day this document has not been developed.

Currently, a number of these types of collective management organizations have begun to operate in Uzbekistan, and to this day their number has grown and (6) at the same time their activities are improving. In particular, in 2019, 3 copyright societies were registered as a non-profit organization from the Ministry of Justice of the Republic of Uzbekistan. For comparison, such organizations are organizing 2 in Azerbaijan, 28 in Turkey, 2 in Tajikistan, 8 in Kazakhstan, and in Kyrgyzstan, work is carried out to collect and distribute royalties from users for authors and rights holders by KirgizPatent .

Collective management organizations have an important place in the elimination of copyright violations in Uzbekistan. In particular, according to the collective management organization – Uzavtor, in 2022 this organization was involved in 52 controversial cases at different levels .

There is another special aspect when we call for legislation between the two countries. It is known that the minimum amounts of fees paid for the use of copyright objects and their creation in Uzbekistan are determined by the decision of the government and the decision of the president of the Republic of Uzbekistan . According to Article 40 of the law of Azerbaijan "On copyright and related rights", the minimum amounts of royalties are determined by the competent executive body .

Of particular importance in copyright protection is the preservation and development of national cultural heritage and the fact that it is a means of commercial occupation of local and international markets . Especially in the context of the digital environment, the legal protection of works becomes more relevant. Based on the above, it should be said that the development of cooperation between Uzbekistan and Azerbaijan in the field of copyright and related rights is important for both states.