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Nashriyot sohasida mualliflik huquqini mustahkamlash: raqamli piratlikka qarshi huquqiy va amaliy islohotlar

Abdumumin Yuldashov, Munavvar Abdugaffarova,
Toshkent davlat yuridik universiteti
Huquqshunoslar
e-mail: a.yuldoshev@gmail.com

Аннотация. Ushbu maqolada nashriyot faoliyatida mualliflik huquqini himoya qilishning hozirgi holati, ayniqsa raqamli muhitda yuzaga kelayotgan muammolar tahlil qilingan. Milliy qonunchilik umumiy kafolatlar belgilangan bo‘lsa-da, u raqamli huquqbuzarlik (copyright piracy) va onlayn ijro mexanizmlarini bevosita tartibga soluvchi aniq normalarni o‘z ichiga olmaydi. Maqolada O‘zbekistonning milliy qonunchiligi, AQShning “Raqamli muhitda mualliflik huquqini himoya qilish to‘g‘risida”gi Qonuni (DMCA), amaliyotidagi so‘nggi o‘zgarishlar, mualliflik huquqini himoya qilishdagi xabardorlik, ijro va nazorat sohalaridagi huquqiy bo‘shliqlar tahlil qilingan. Shuningdek, TRIPS bitimi doirasidagi xalqaro standartlarga muvofiqlashtirilgan holda milliy qonunchilikni takomillashtirish va mualliflar hamda noshirlar huquqlarini raqamli hamda an’anaviy sohalarda mustahkamlash bo‘yicha takliflar keltirilgan.

Калит сўзлар. raqamli muhitda mualliflik huquqi, elektron nashriyot, raqamli nashriyot, mualliflik huquqining buzilishi

Аннотация. В данной статье рассматривалось современное состояние защиты авторских прав в издательской деятельности, с особым акцентом на проблемы, которые возникали в цифровой среде. Несмотря на то, что национальное законодательство предусматривало общие гарантии, в нём отсутствовали чёткие нормы, которые регулировали вопросы цифрового пиратства и онлайн-применения авторских прав. На основе сравнительного анализа с американским Законом о защите авторских прав в цифровую эпоху (DMCA), а также недавних национальных случаев, исследование выявило ключевые пробелы в области осведомлённости, правоприменения и регулирования. В работе предлагались реформы, направленные на приведениенационального законодательства в соответствие с международными стандартами Соглашения ТРИПС и на укрепление защиты прав авторов и издателей как в цифровой, так и в традиционной сфере.

Ключевые слова. авторское право в цифровой среде, электронная публикация, цифровая публикация, нарушение авторских прав

Annotation. This article examinedthe state of copyright protection in publishing activities, with particular attention to the challenges that arosein the digital environment. Although national legislation established general safeguards, it did not contain specific provisions that directly regulated digital copyright infringement (copyright piracy) and online enforcement mechanisms. The article analyzedUzbekistan's national legislation, recent developments in the application of the U.S. Digital Millennium Copyright Act (DMCA), as well as the legal gaps that existed in public awareness, enforcement, and oversight in the field of copyright protection. Furthermore, it providedrecommendations for improving national legislation in line with international standards under the TRIPS Agreement and for strengthening the rights of authors and publishers in both digital and traditional contexts.

Keywords. copyright in the digital environment, digital publishing, copyright infringement in the digital environment

Copyright protection remains a developing area of law in many emerging economies. Authors and publishers face significant challenges in safeguarding their works, particularly within the rapidly expanding digital environment. Despite the existence of national copyright legislation, limited public awareness, unclear contractual obligations, and widespread digital piracy continue to undermine effective enforcement. This study seeks to analyze and evaluate the present legal framework governing copyright in publishing and to propose targeted reforms that can enhance enforcement and compliance.

The national Copyright and Related Rights Act provides protection for creative works disclosed or communicated to the public in any form, including by means of digital technologies. However, while the Act recognizes protection for works disseminated through digital media, it lacks explicit provisions addressing online infringement, such as unauthorized downloading or distribution of copyrighted materials [1]. Moreover, the Act of Publishing Activity does not contain a definition of digital publishing [2]. The absence of this concept leads to legal uncertainty regarding the dissemination of publishing products — which constitute the subject matter of publishing contracts — in the digital environment. As a result, unauthorized copies of such works are frequently found on platforms such as Telegram channels, where they are uploaded and distributed without the publisher's or author's consent. This omission leaves a legal vacuum concerning digital infringement. Such acts violate the author's economic rights as stipulated in Article 19 of the Law of the Republic of Uzbekistan "On Copyright and Related Rights." Furthermore, this infringement restricts the author's or rights holder's ability to benefit from their economic rights in the future [3].

By contrast, the United States Digital Millennium Copyright Act (DMCA) establishes clear obligations and protections for copyright

holders while also providing "safe harbor" provisions that define the responsibilities of online service providers [4]. As the country progresses toward compliance with the TRIPS Agreement, it is crucial to ensure that domestic copyright law meets international standards, especially in addressing technological and digital developments [5].

A recent example shared on social media demonstrates weaknesses in current enforcement [6]. A donated and translated book was scanned and distributed online without authorization, reflecting insufficient public awareness, weak enforcement mechanisms, and the absence of effective safe harbor provisions.

Although national law prescribes severe penalties for violations, enforcement remains inconsistent. The existence of comprehensive legal norms without corresponding compliance reveals a structural weakness in the protection of intellectual property rights [7]

This case adversely affected the nation's standing in international intellectual property indices and revealed the gap between legislation and practice. To address these deficiencies, several reforms are proposed:

Adoption of DMCA-like legislation. National law should explicitly regulate online copyright infringement and introduce safe harbor provisions to define intermediary liability. According to Digital Millennium Copyright Act (DMCA) Safe harbor a legal concept that limits the liability of online service providers for copyright infringements committed by users**,** provided they act promptly to remove infringing material upon notice It is necessary because it creates a balance between protecting copyright holders and encouraging the free flow of information online**,** ensuring that internet platforms are not unfairly punished for user-generated violations while still being required to respond responsibly to infringement claims [7].

Enhancement of digital literacy. Public awareness campaigns and professional training programs are necessary to improve understanding of copyright rights and responsibilities.

Mandatory registration of copyright contracts. Similar to patent or invention agreements, copyright contracts should be subject to official registration to increase legal transparency and prevent disputes.

Effective copyright protection is indispensable for fostering creativity and ensuring the integrity of the publishing industry. To strengthen national intellectual property governance and achieve compliance with the TRIPS Agreement, legislative reform must address both legal and practical challenges in the digital context. Implementation of DMCA inspired rules, promotion of digital literacy, and institutionalized contract registration will collectively enhance enforcement and promote a sustainable culture of respect for copyright.

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