

## COPYRIGHT PROTECTION ON THE INTERNET

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### ABSTRACT

The article deals with the issues of ensuring protection of copyright in the telecommunication networks. The principal form of telecommunication network, the Internet, is discussed in detail in terms of copyright infringement. Taking into consideration national and international practice on the protection of copyright on the internet, several suggestions regarding the preventive measures and protective means of devices in copyright infringement have been discussed in broad terms. The article discusses contractual, administrative, legislative, technological and other ways of copyright protection on the Internet. Contracts have also been reviewed as one of the main legal documents which deal with almost all aspects of relationships between the author and consumers. Having reviewed current legal practice in Uzbekistan, positive influence certain organizations have on copyright management was acknowledged. Article also pays a special attention to discussing the existing legislative documents in Uzbekistan on copyright protection and brings some suggestions for ensuring copyright protection on the Internet. Up-to-date technological advances that could be applied in copyright infringement and protections situations make a vast majority of the article. Blockchain, a means software technology, is discussed as an effective tool for ensuring copyright protection in the virtual world, Internet. At the same time, the central aspect of this technology, which is, that a specific nature of chains of blocks makes copyright infringement almost impossible and builds a firm track of every single action carried out with object of copyright, has broadly been discussed over the course of the article.

**Keywords:** copyright, copyright infringement, Internet, contractual means, administrative solutions, technological tools, copyright protection, blockchain, France, HADOPI.

Among the existing objects of intellectual property, copyright is the most difficult for legal protection. One of the main reasons for this is that no mandatory registration or special protection of copyright objects is required by copyright legislation. This is true due to the fact that this intellectual property object is more numerous than others, it is thus almost impossible to register it.

On top of that, the issue of copyright protection on the Internet and social networks has already started to play central role in scientific works. This could be explained with the fact that it is difficult to imagine our day-to-day life without social networks and the Internet. Information technologies are rapidly developing and being introduced into all spheres of our life. The Internet, or the World Wide Web, makes it possible not only to get acquainted with information, view photos, but also allows you to actively exchange files. At the same time, many files contain information that is protected by copyright.

When sending audio files to each other or sharing photos, texts and video files on social networks, many of us do not even think about whether our actions violate anyone's intellectual property rights. Most believe that the responsibility for copyright compliance lies entirely with the owners of Internet resources that provide us with a platform for sharing such files. It is this misconception that leads to the fact that even ordinary consumers can become infringers of intellectual property rights. For these reasons, the issue of copyright protection on the Internet has also become central to the discussion and already started to require a special attention than ever before.

Naturally, in such a developing country as Uzbekistan, where information technologies are growing, the role of Internet is of great importance, as well. Copyright is also difficult to imagine without Internet. To consider questions about the implementation of copyright and related rights on the Internet, it is necessary to first determine what the Internet itself is. The Internet is a network consisting of numerous subnets having a single address space. For example: each site has its own IP address, which is used to exchange data and information stored on a specific device.

The development of the Internet not only provides humanity with many opportunities, but also greatly facilitates copyright infringement. Today, it is quite easy to find a work, a textbook, a book, a movie, a song and any object posted with copyright infringement on the Internet. Therefore, copyright protection in telecommunications networks remains relevant today. Not only do there appear enough reasons for this in social life, they actively exert their influence on existing social relations. For example, statistical analysis shows that by 2022 alone, the damage caused by infringement of intellectual property rights on the Internet is estimated at 856 billion US dollars.<sup>6</sup> These figures also show how relevant the topic under discussion is and how any legal state should build its social and legal life taking into account this factor.

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<sup>6</sup> The report "Economic Consequences from the Distribution of Counterfeit and Pirated Products", prepared by Frontier Economics research firm commissioned by the Business Initiative to Combat Piracy and Counterfeit Products (BASCAP) of the International Chamber of Commerce (ICC) and the International Trademark Association (INTA) [http://www.inta.org/Communications/Documents/2017\\_Frontier\\_Report.pdf](http://www.inta.org/Communications/Documents/2017_Frontier_Report.pdf)

Taking into account that offences are also committed against copyright objects on the Internet, scientists emphasize the need for reforms in the following areas to further improve copyright protection in these networks and ensure copyright protection based on international standards. The areas subject to reforms include the following:

- improvement of legal regulation of contractual relations in the field of copyright;
- improvement of the institution of collective management of copyright and related rights;
- introduction of new procedures for the legal protection of new objects of copyright and related rights;
- strengthening the responsibility for infringement of copyright and related rights;
- creation of a program of measures making use of technological advances to protect and/or prevent possible infringements of copyright.

Firstly, the legal regulation of contractual relations in the field of copyright is considered important. Since copyrights are transferred for use to other persons precisely through contracts, exclusive rights are transferred and accordingly the use of works is carried out. It is also impossible to imagine the commercialization of copyrights without contracts. For this reason, the study of copyright contracts is of great importance not only theoretically, but also practically. Copyright contracts are directly referred to in articles 38-42 of the “Law on Copyright and Related Rights” of Uzbekistan.

Contractual regulation of copyright protection is carried out primarily by creating a certain system of contracts. In a similar system, it is advisable to develop separate contractual recommendations, instructions for each copyright object. In addition, the state registration of similar contracts and their maintenance of an open register brings to the attention of all third parties that copyright objects are protected, that they can be used only on the basis of contracts. There are such types of copyright agreements as absolute and non-authoritarian, while in a non-authoritarian copyright agreement the scope of copyright application is limited, that is, a particular right is clearly stipulated.

A copyright contract, based on legal theory and practice of Uzbek copyright law, can usually be classified accordingly:

1. Depending on the type of work and the way it is used:
  - contracts for the creation and use of literary works;
  - contracts for the creation and use of musical works;
  - contracts for the creation and use of architectural works;
  - other (audiovisual, graphic and pictorial) contracts for the creation and use of works.
2. According to the degree of preparation of the work:
  - the author's contract of the order;

- copyright agreement for the finished work.

Also, the copyright agreement can be divided into processed and unprocessed works.

3. Based on the nature of the right granted:

- copyright agreement on the transfer of exclusive rights;
- is divided into an author's agreement on the transfer of exclusive rights.

4. Based on the method of using the work:

- publishing copyright agreement;
- copyright agreement for the script;
- the author's agreement for the deposit of the manuscript;
- the author's contract for the industrial use of a work of decorative and applied art;
- copyright agreement for broadcasting or cable broadcasting or broadcasting of the work;
- author's contract for the order of a work of art;
- the play's copyright agreement.<sup>7</sup>

Secondly, another form of copyright protection is the improvement of the institution of collective management of property rights. By concluding relevant agreements with the collective management organization of property rights, the author transfers the legal protection of his creative product to the organization, the main purpose of which was determined by ultrasound professional use with such protection. Chapter 4 of the Law "On Copyright and Related Rights" discusses in detail the activities, rights, obligations, and legal nature of this organization.

Improving the activities of organizations managing similar property rights, providing them with even more legal opportunities, increasing their interaction with government agencies is a guarantee of copyright protection. As such organizations develop, it becomes possible to implement comprehensive copyright protection measures. This, of course, plays an invaluable role in ensuring copyright protection. Although the organization that manages these property rights on a collective basis first appeared in France in 1850, by now these organizations have reached the level of associations that are very widely developed in developed countries. For almost every copyright object, a separate association or association is created and operates according to its specialization. On the other hand, activity within the same object increases the organization's capabilities, ensuring a more perfect performance of its work.

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<sup>7</sup> Yuldashev A., Choriev M. Contractual and legal relations in the field of copyright and liability for copyright infringement: national and foreign experience //Society and innovation. – 2020. – Vol. 1. – No. 1/s. – pp. 511-522.

Thirdly, the use of modern technological solutions in the legal protection of copyrights is also a solution that meets the requirements of the time. Only with the help of modern technologies, copyright protection can be implemented in a limitless virtual space, such as the Internet. One of such modern technological tools is blockchain technology.

The word “blockchain” refers to chain of virtual blocks that are used to provide a virtual environment which is impossible to be infringed. This technology is based on systematized protection and stores the information loaded into it in the form of a chain. On the other hand, the chains unite thousands of computers, and the author used his rights with a special individual key. According to statistics, as of mid-November 2022, there are more than 81 million users worldwide who own this technology, that is what called as a blockchain wallet.<sup>8</sup>

At the moment, blockchain technology is a tool that serves to limit and prevent the use by third parties without the author’s permission while ensuring the protection and protection of intellectual property objects in telecommunications networks, particularly on the Internet.<sup>9</sup> The most important aspect of this technology is that digital data is not damaged in it, and the key difference between a traditional database and a blockchain is that data is not collected in a single center, but in the blockchain.<sup>10</sup> It is the absence of a centralized storage system that protects the database from hacking. In blockchain, technologies record every behavior and simplify the detection of notes, such as copying work, copying it. Copyright infringement makes it almost impossible. Creating a work also greatly simplifies the resolution of disputes related to copying.

In this way, blockchain technology provides copyright holders with reliable protection from copyright infringers, including potential violators who seek to gain access to security and digital assets. The user’s rights are encoded in the blockchain, so the connected systems check them and verify the encryption of the corresponding copyrighted content.

In this regard, it is necessary to strengthen the place of this technology in national legislation and once again improve it. To date, the legislation of Uzbekistan is defined in the order of the National Agency for Project Management under the President of the Republic of Uzbekistan “On approval of the Regulations on the procedure for licensing the activities of crypto exchanges”, according to which the blockchain is a distributed

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<sup>8</sup> <https://www.statista.com/statistics/647374/worldwide-blockchain-wallet-users/>

<sup>9</sup> A.Yuldashov. "Important aspects of the international protection of copyright and the development of the contractual and legal framework". Bulletin of Legal Sciences-Vestnik yuridicheskix nauk-Review of law sciences. Special issue. 2020 y. 231-p.

<sup>10</sup> Bakhramova, Mokhinur. "Online Dispute Resolution: Digitalized Disputes and Their Legal Basis." Journal of Ethics and Diversity in International Communication 1.8 (2022): 25-29.  
<http://openaccessjournals.eu/index.php/jedic/article/view/962>

data registry in which all data is recorded sequentially and placed in blocks, with each new block containing the cryptographic signature of the previous block.<sup>11</sup>

It is clear that other measures to protect copyrights will not remain without positive outcomes, as well. However, national legislation still has some space for improvement. In accordance with the article 63 of the Law of the Republic of Uzbekistan “On Copyright and Related Rights”, methods of copyright protection were defined, and this norm defined precisely technical means of copyright protection in any space and time. In accordance with this norm, any technical devices or their components that control the use of works or objects of related rights, prevent or restrict the commission of actions not permitted by the author, the owner of related rights or other owner of exclusive rights in relation to works or objects of related rights are recognized as technical means of protecting copyright and related rights. However, this legislative norm does not establish specific technical means of copyright protection. Thus, the legislative norm in this area states that technical devices or their components that protect or prevent any copyright infringement are technical means of protecting copyright and related rights. It would, for the reasons above, be the best option to approve on legislative basis certain technical devices or tools for copyright protection on the Internet. This would, on the one hand, make it much easier to protect copyright from the infringement on the Internet and, on the other hand, approve specific list of restrictive measures for copyright protection, which would have only listed technical devices, leave no chance for abuse of powers in the copyright infringement on the Internet.

The resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On measures to further improve information security on the World Wide Web” defines measures to ensure information security in the virtual space, which is a telecommunications network. In accordance with paragraph 1 of this resolution, the cases in which state bodies may apply restrictions on the Internet are listed, and it is established that the commission of other actions entailing criminal and other liability in accordance with the law entails the imposition of restrictions. Thus, taking into account the fact that this paragraph provides for criminal, administrative and special liability for both infringement of intellectual property rights and infringement, copyright infringement may be terminated due to these restrictions. In addition, in international law enforcement practice, there is a “WIPO alert” system, through which restrictions are imposed on the activities of sites by forming a register of sites that violate intellectual property rights.

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<sup>11</sup> National Database of Legislative Data, 24.12.2021 y., 10/21/3127-7/1197-volume

Looking at international experience, familiarity with the established practice of copyright protection on the World Wide Web allows us, using useful achievements in it, to avoid omissions and mistakes already made. According to international practice, there are several methods and means of copyright protection on the Internet. These include technical means, improving legislation, strengthening liability for copyright infringement and, above all, ensuring reliable copyright protection.

The country that started worrying about copyright protection on the Internet quite early and has achieved great success in this area after making radical decisions is France. France was one of the first to establish in its Constitution that intellectual property rights are protected, that they are inviolable. In addition, back in 2009, several laws were passed in France concerning the protection of copyright on the Internet. Special organizations have been established to oversee the provision of copyright protection on the Internet, provided for by these laws. These organizations have become known to the world as HADOPI as a system. The main function of this organization is to ensure the safe circulation, the entry into legal circulation of works that are the result of intellectual activity, and the implementation of activities to counteract identified violations of the law. France has developed a separate “three-level” system for establishing responsibility for copyright compliance on the Internet. As the name suggests, this system fights the violation in three stages. In case of the first copyright infringement, a warning will be sent to the violator’s email address. At the second stage, in case of repeated violation, an official warning is sent to the violator within six months after the receipt of the first warning, which allows proving the fact of sending the warning by registered mail or otherwise. If copyright violations continue again, a lawsuit will be filed, and at the third stage, the court will rule that the infringer’s IP address on the Internet may be blocked for up to one year or otherwise liability may be applied. In addition, in accordance with the powers granted to the HADOPI organization, any Internet provider is obliged to provide information about the violator to this organization.

After the adoption of a law in France called “Creative activity and the Internet”, cases of legal use of musical works have become more frequent in the country. In the first year, 2010, more than 60,000 copyright infringement warnings were registered, which led to a reduction in the number. It is quite natural that these circumstances are also the result of the changes made.

Using the example of Germany, we can see many bold steps aimed at ensuring copyright protection in the virtual space. According to the German multimedia law, the

measure of liability in the form of blocking for copyright infringement due to the circumstances of the violation must be applied directly by the Internet provider itself.<sup>12</sup>

In accordance with US copyright law, there is a two-tier system for establishing liability for copyright violations on the Internet. However, the main controversial issue in the United States is the prosecution of Internet service providers for the illegal actions of these violators. There have been several controversial cases in the States on this topic, and to this day the issue of holding Internet service providers accountable for objects uploaded by third parties in violation of copyright remains at the center of discussions.

In conclusion, copyright protection on the Internet is becoming an increasingly relevant topic every day, this is due to the fact that the popularity of the Internet is a means of transmitting data in the fastest and most efficient way. It is clear that there is an urge for developments in current copyright protection on the Internet of Uzbek national legislation. Along with current legal basis for copyright protection, contractual, technological, administrative and legislative improvements should be made in order existing copyright protection to keep up with grooming technological advances happening in today's world. In order for the copyright protection system to start working with full capacity, it is necessary to implement the practice used in foreign developed countries for the legislator needs to consider and finalize the current legal and other tools for copyright protection in the Uzbekistan.

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