



Practical Reforms in the Field of Copyright Protection in the Republic Of Uzbekistan and Their Promising Results

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Abstract: *This article examines the ongoing efforts to enhance legal literacy, awareness, and the protection of intellectual property rights in Uzbekistan, focusing on the “Strategy for the Development of Intellectual Property in the Republic of Uzbekistan for 2022-2026.” It highlights the significant legal reforms undertaken since the 2017-2021 development strategy, including the adoption of over a thousand laws aimed at fostering transparency, civil society engagement, and human rights protection. However, several challenges persist in the legal protection of intellectual property, such as inadequate public knowledge, weak integration of intellectual property in production processes, and insufficient coordination among relevant state bodies. The research explores how collective management of intellectual property rights, inspired by international models, can address these challenges. It also delves into the institutional reforms needed to ensure efficient legal protection, prevent counterfeit products, and promote the use of intellectual activity results in the economic and social sectors. The article concludes with recommendations for improving Uzbekistan’s intellectual property framework, increasing public engagement, and positioning intellectual property as a key driver of the country’s socio-economic development.*

Keywords: *Intellectual Property Rights, Organizations Protecting Intellectual Property Rights, TRIPS, WTO, Personalization, Patent, Industrial Property.*

Introduction

In our country, we can see the ideas put forward in recent years to increase the legal literacy, legal awareness, and legal culture of the population, including in the Strategy for the Development of the Republic of Uzbekistan for 2017-2021. In this regard, more than a thousand laws and regulations have been adopted, and we are seeing their results (Ożegalska-Trybalska, 2020). Systematic work has also been carried out to ensure human rights, strengthen accountability and openness of state bodies, and enhance the role of civil society institutions, mass media, political activity of the population and public associations. At the same time, a number of issues remain relevant in areas such as legal protection of intellectual property objects, timely response to violations committed in the field, increasing the material interest of authors and other creative individuals, and protecting the rights of foreign companies to intellectual property (Awasthi, 2022). The country is implementing consistent measures to improve the mechanisms for implementing the results of intellectual activity and innovations in economic sectors, creating regional brands, preventing the sale

of counterfeit products, ensuring reliable legal protection of intellectual property, and based on the development of the intellectual property sector, the widespread development of the Internet network today, problems and appeals related to the protection of intellectual labor, which are emerging in practice, the "Strategy for the Development of Intellectual Property in the Republic of Uzbekistan for 2022-2026" was adopted by The rapid implementation of modern information and innovative technologies in economic sectors, social and other spheres through the application of intellectual activity results is one of the important conditions for the accelerated development of the Republic of Uzbekistan (Price, 2024). At a time when all spheres of society and the state are rapidly developing, it is necessary to carry out reforms based on the creation of modern innovative ideas, inventions and well-known regional brands in order to make bold steps towards our country's firm position in the world market and reach the level of developed countries (Goldfarb, 2023).

Methodology

This research employed a qualitative approach to analyse the legal framework and intellectual property development strategies in Uzbekistan, with a focus on the "Strategy for the Development of Intellectual Property in the Republic of Uzbekistan for 2022-2026." The primary method used in this study was content analysis of legal documents, official reports, and policy papers related to intellectual property (IP) (Jiazhi, 2024). Data were collected from governmental regulations, laws, decrees, and strategic documents, such as the Constitution of Uzbekistan, the Strategy for the Development of Uzbekistan for 2017-2021, and specific intellectual property laws.

Secondary data were gathered from public records and archives that outlined the legal developments and reforms aimed at strengthening IP protections. This included reviewing documents available on national legislative platforms such as *lex.uz*, as well as reports from international organisations like the World Intellectual Property Organization (WIPO). Relevant case studies from countries with advanced intellectual property management systems, such as France, Singapore, and Belarus, were also examined to contextualise Uzbekistan's efforts in a global framework (Bischof, 2024).

In addition, expert opinions from practitioners in the field of intellectual property, legal specialists, and government officials were considered. The study focused on the systematic review of regulations, decrees, and amendments implemented between 2017 and 2026, identifying key challenges in the enforcement and development of intellectual property rights, especially in relation to the role of public and private institutions in managing IP rights collectively.

The research also analysed the efficiency and transparency of IP management organisations in Uzbekistan, drawing comparisons with international models (Yeskaliyev, 2024). To further assess the state of intellectual property in the country, the study reviewed the registration processes, legal protection measures, and the economic impact of intellectual property rights on business innovation and regional brand creation.

Finally, the findings were used to propose recommendations for improving IP management, legislation, and public awareness, with an emphasis on aligning national strategies with international best practices (Talib, 2024).

Result and Discussion

If we look at the experience of countries that set an example for the world in ensuring copyright, then organizations that manage property rights on a collective basis have a special place in ensuring the mechanisms of legal norms in this area and are the most effective means of collecting and distributing copyright (Ponomareva, 2020a). After all, the main tasks of such organizations include maintaining a register of works by creators who are their members and accounting for its users, collecting and distributing the corresponding copyright fee (honorary). It should be noted that the first such institution in history originated in France. Later, in the late 19th and early 20th centuries, similar public associations began to operate in other European countries.

Due to the institution of collective management of copyright, it is possible to exercise exclusive property rights that copyright cannot or is difficult to exercise on an individual basis. The effective functioning of this institution also plays an important role in enhancing Uzbekistan's ability to fulfill its obligations under the agreements it has signed in the field of copyright. One of the main requirements for organizations managing property rights on a collective basis is transparency in their activities and the payment of collected royalties on established terms and terms (Alexandrova, 2020). Accordingly, in connection with the increase in the number of such organizations in Uzbekistan in recent years, it would be appropriate to entrust the procedure for adopting and registering the Government Resolution "On State Registration and Regulation of the Activities of Organizations Managing Property Rights on a Collective Basis" to the authorized body in the field of authorship. In particular, countries such as the Republic of Belarus, Singapore, and the Philippines have experience in registering (accrediting) organizations that manage property rights on a collective basis by the authorized intellectual property authority (Yarichina, 2021).

At the same time, in order to protect the interests of copyright owners, it is advisable to determine the minimum number of founders and the authorized capital of organizations managing property rights on a collective basis (Mujtaba, 2024). After all, the Law "On Copyright and Related Rights" also states that the conditions and procedure for state registration of these organizations are determined by the Cabinet of Ministers of the Republic of Uzbekistan.

Currently, a number of public associations of this type have begun to operate in our country, and today their number is growing (6), while their activities are improving. In particular, in 2019 alone, 3 author's societies were registered with the Ministry of Justice of the Republic of Uzbekistan as non-governmental non-profit organizations (Nowaz, 2020).

At the same time, the analysis conducted showed that work on the development of intellectual activity, modernization of production processes through the application of advanced intellectual activity results, legal protection of intellectual property, adaptation of the activities of state bodies and organizations in this area to modern requirements, increasing the volume of products used by intellectual property objects, and expanding the range of competitive products with their own name (brand) in the domestic and foreign markets is not being carried out at the proper level (Riswandi, 2020).

Specifically:

- The indicators of the involvement of intellectual property objects in production processes are very low
- The population and business entities lack sufficient knowledge and skills in the field of intellectual property
- Business entities are not interested in introducing the results of intellectual activity into their activities
- There are no favorable conditions for inventors and innovators
- Inadequate interaction between ministries and agencies responsible for ensuring the legal protection of intellectual property, insufficient coordination of the activities of research institutions and laboratories related to the field of intellectual property;
- Low rates of introduction of scientific developments into civil circulation;
- There is a shortage of highly qualified specialists actively involved in the development and transfer of intellectual property objects in the field of "IP Management."

These shortcomings hinder the accelerated development of the intellectual property sector in our country, the increase in the volume of exports of products representing Uzbekistan in global markets, the attraction of foreign investment, the growth of the economy and the development of other spheres of state and public life. In this regard, the adoption of the Strategy for the Development of Intellectual Property in the Republic of Uzbekistan for 2022-2026 (hereinafter referred to as the Strategy) is of particular importance.

The main directions of the strategy are as follows:

- Improving public administration in the field of intellectual property
- Improving legislation in the field of intellectual property
- Further improvement of the processes of creating and registering intellectual property objects
- Improving the system for protecting intellectual property rights
- Implementation and improvement of information and communication technologies in relations related to intellectual property
- To foster a sense of respect for intellectual property in society and raise the legal culture of the population;

Implementation of international standards in the field of intellectual property and development of international cooperation. In order to implement the above-mentioned directions, a number of tasks have been identified, including the establishment of widespread use of the "WIPO Alert" online platform for copyright protection on the Internet in the republic with the support of the World Intellectual Property Organization (WIPO), the development of administrative regulations regulating the processes of providing state services for the registration of intellectual property objects, taking into account the possibilities of globalization and modern information and communication technologies, the study of the results of intellectual activity in the Internet space and the activities of organizations managing intellectual property (Ponomareva, 2020b).

Conclusion

In conclusion, based on the principle of "From effective legal protection of intellectual property to strong legal protection," it is possible to include Uzbekistan in the ranks of scientifically and technologically and inventively developed countries by turning intellectual property into the main driver of the development of the socio-economic life of society and the state, as well as to introduce regional brands as a means of comprehensive development of regions. In accordance with the Decree of the President of the Republic of Uzbekistan "On Additional Measures for the Further Development of the Intellectual Property Sector," the elimination of existing gaps and contradictions in the legislation in the field of intellectual property, its constant improvement based on best international practices, improvement of the state management system in the field of intellectual property within the framework of the administrative reforms carried out in the republic by eliminating duplicate tasks and functions in the activities of responsible ministries and departments, regular improvement of the processes of legal protection of intellectual property.

References

- Alexandrova, N. V. (2020). Application of information technologies in the sphere of the right realization to the results of intellectual activity in the conditions of digitalization. *Journal of Critical Reviews*, 7(3), 368–371. <https://doi.org/10.31838/jcr.07.03.71>
- Awasthi, D. (2022). LWT-DCT-SVD and DWT-DCT-SVD based watermarking schemes with their performance enhancement using Jaya and Particle swarm optimization and comparison of results under various attacks. *Multimedia Tools and Applications*, 81(18), 25075–25099. <https://doi.org/10.1007/s11042-022-12456-4>
- Bischof, A. Y. (2024). A Collection of Components to Design Clinical Dashboards Incorporating Patient-Reported Outcome Measures: Qualitative Study. *Journal of Medical Internet Research*, 26. <https://doi.org/10.2196/55267>
- Goldfarb, D. S. (2023). Correction to: Nedosiran in primary hyperoxaluria subtype 3: results from a phase I, single-dose study (PHYOX4) (*Urolithiasis*, (2023), 51, 1, (80), 10.1007/s00240-023-01453-3). *Urolithiasis*, 51(1). <https://doi.org/10.1007/s00240-023-01455-1>
- Intellektual mulk sohasini yanada rivojlantirishga oid qo'shimcha chora-tadbirlar to'g'risida. (n.d.). <http://lex.uz//uz/docs/-5987120>
- Jiazhi, Y. (2024). A qualitative study on the components of teacher leadership based on the perspective of teacher behaviour. *Journal of Innovation and Entrepreneurship*, 13(1). <https://doi.org/10.1186/s13731-024-00423-2>
- Mualliflik va turdosh huquqlar to'g'risida Qonun 42-son 20.07.2006. <http://lex.uz/docs-1022944>
- Mujtaba, G. (2024). The Disclosure Requirements of Software Patents: Suggestions for Developing Countries. *Kutafin Law Review*, 11(1), 96–123. <https://doi.org/10.17803/2713-0533.2024.1.27.096-123>
- Nowaz, F. (2020). Sustainable ipr practices to address risk capital finance in software industries in developing countries. *Advances in Intelligent Systems and Computing*, 1045, 659–666. https://doi.org/10.1007/978-981-15-0029-9_52

- O‘zbekiston Respublikasi Konstitutsiyasi. (2022).
- O‘zbekiston Respublikasida intellektual mulk sohasini rivojlantirish strategiyasining ahamiyati (2022–2026 yillarda).
- Ożegalska-Trybalska, J. (2020). Protection and ownership of research results. *Nowotwory*, 70(4), 163–166. <https://doi.org/10.5603/NJO.2020.0034>
- Ponomareva, D. V. (2020a). Copyright and protection of scientific results: The experience of Russia, the United States and the countries of the near East. *Journal of Physics: Conference Series*, 1685(1). <https://doi.org/10.1088/1742-6596/1685/1/012018>
- Ponomareva, D. V. (2020b). Copyright and protection of scientific results: The experience of Russia, the United States and the countries of the near East. *Journal of Physics: Conference Series*, 1685(1). <https://doi.org/10.1088/1742-6596/1685/1/012018>
- Price, M. A. (2024). Developing a National Trauma Research Action Plan: Results from the regulatory challenges Delphi survey. *Journal of Trauma and Acute Care Surgery*, 96(4), 658–665. <https://doi.org/10.1097/TA.0000000000004185>
- Riswandi, B. A. (2020). Patent Protection System for Computer Programs in Indonesia and Its Comparison with Several Countries: What’s the Issue? *NTUT Journal of Intellectual Property Law and Management*, 9(1), 18–33. <https://www.scopus.com/inward/record.uri?partnerID=HzOxMe3b&scp=85172410903&origin=inward>
- Talib, R. (2024). Contrivance interrelated building components and defects factors: qualitative survey approach on government buildings. *Journal of Facilities Management*, 22(1), 49–63. <https://doi.org/10.1108/JFM-08-2021-0084>
- Yarichina, G. F. (2021). Artificial intelligence as a result of intellectual activity: Accounting and tax aspects. *Lecture Notes in Networks and Systems*, 200, 883–889. https://doi.org/10.1007/978-3-030-69421-0_97
- Yeskaliyev, M. Z. (2024). Creation of Indicators of a Qualitative Component of a Construction Object at Operational Phases. *Lecture Notes in Civil Engineering*, 400, 55–66. https://doi.org/10.1007/978-3-031-47810-9_6
- Yuridik kadrlarni uzluksiz kasbiy rivojlantirish tizimining zamonaviy va samarali mexanizmlari: milliy va xorijiy tajriba xalqaro ilmiy-amaliy konferensiya materiallari (2022 yil 27 oktyabr). (2022).