



LEGAL MECHANISMS FOR PROTECTING THE PROVISIONS OF THE COPYRIGHT AGREEMENT

Mustafoev Maksud Amrullo ugli

Independent researcher,

Tashkent State University of Law

E-mail: mustafoevmaksud@gmail.com

Tel: (90) 122-97-44

Article history:	Abstract:
Received: 10 th July 2025 Accepted: 7 th August 2025	The article analyzes the general concept of civil liability for violation of the requirements of the copyright agreement under the legislation of the Republic of Uzbekistan. The article also examines the requirements that must be met by persons who have entered into an agreement to conclude a copyright agreement, and what liability may arise in the event of non-compliance with these requirements.

Keywords: Copyright, related rights, property rights, copyright agreement, exclusive rights, non-exclusive rights, payment terms.

INTRODUCTION

Today, extensive work is being carried out in our country to ensure the implementation of a unified state policy in the field of intellectual property, to raise legal culture in society and foster respect for intellectual property, and to guarantee the legitimate interests of intellectual property owners.

In particular, the Civil Code, the Laws "On Copyright and Related Rights," "On Inventions, Utility Models, and Industrial Designs" have been thoroughly revised and improved to regulate the protection of intellectual property. Article 53 of the new edition of our Constitution guarantees everyone the freedom of scientific, technical, and artistic creativity, the right to use cultural achievements, and provides that intellectual property shall be protected by law.

In this regard, improving the contractual-legal basis and mechanisms for copyright protection, and refining the tools and methods used to strictly define the rights and obligations of parties in copyright agreements, have become urgent tasks.

RESEARCH METHODOLOGY

The following methods were used to analyze the copyright system in Uzbekistan:

- Analysis of normative legal documents: The legal framework of copyright in Uzbekistan was studied.
- Statistical analysis: Indicators were analyzed on the basis of statistical data obtained from the State Committee of Statistics, the Ministry of Justice, the Supreme Court, and other official sources.
- Systematic approach: The legal, economic, scientific-technical, and social aspects of the

copyright system were studied comprehensively.

DISCUSSION

In recent years, the number of claims concerning violations of copyright and related rights has been increasing. The practice of protecting literary and audiovisual works—namely, cases examined in courts within this scope—demonstrates that the protection of authors' rights is becoming a key priority.

According to statistics, from 2019 to the first half of 2025, a total of 355 court proceedings related to economic disputes in the field of intellectual property were considered, of which 207 were satisfied.

This indicates that the number of authors asserting their rights is increasing year by year. However, these figures also show that there is still considerable work to be done in the field of copyright protection.

This article therefore focuses on the mechanisms for protecting the requirements stipulated in copyright agreements.

A copyright agreement is a contract under which an author transfers his or her property rights to another person either fully or partially.

According to such an agreement, the author undertakes to grant the user the right to use the work in an agreed manner and for an agreed period in exchange for remuneration, while the user undertakes to use the work in accordance with the rights granted and pay the agreed fee. A copyright agreement must be concluded in writing.

Copyright agreements are concluded between authors and other interested persons concerning the following objects of copyright:



- literary works (fiction, scientific, educational, journalistic, etc.);
- dramatic and script works;
- musical works with or without text;
- musical-dramatic works;
- choreographic works and pantomimes;
- audiovisual works;
- works of painting, sculpture, graphics, design, and other works of visual art;
- works of decorative-applied and stage design art;
- works of architecture, town planning, and park-building;
- photographic works and works created by methods similar to photography;
- geographical and geological maps and other maps, plans, sketches related to geography, topography, and other sciences;
- computer programs of all kinds, including applications and operating systems expressed in any programming language and form, including source code and object code;
- other works that meet the requirements established by law.

Article 38 of the Law "On Copyright and Related Rights" specifies the requirements for copyright agreements. A copyright agreement must specify:

- the methods of using the work (the exact scope of rights transferred under the agreement);
- the amount of remuneration for each method of use or the procedure for determining the amount, as well as the procedure and deadlines for payment.

The parties may also include any other conditions they deem necessary.

According to Article 27 of the Civil Code, minors between the ages of fourteen and eighteen have the right to independently protect their copyright in court regarding a work of science, literature, art, an invention, or any other legally protected result of intellectual activity.

According to the law, authors have personal non-property rights and property rights to the results of their intellectual activity. In certain cases provided by law, property rights may belong to other persons (for example, a work created as part of employment), or personal non-property rights may not exist (for example, for phonograms, broadcasts, or cable transmissions). Regardless of whether the author has transferred property rights to other persons, he or she retains the right to go to court to protect personal non-property rights from any infringement.

In such cases, disputes over the protection of rights, disputes arising from license agreements or from agreements transferring rights to intellectual property objects (fully or partially), disputes between authors or rights holders, as well as claims for compensation for damage caused by third parties using intellectual property objects, and claims for early termination of a trademark certificate, are considered by civil or economic courts.

According to legal norms, the following constitute violations of copyright agreement requirements:

- violation of authors' personal non-property rights;
- violation of the performer's right to be named and to protect the performance from distortion or other encroachment;
- reproduction, distribution, or other use of works or related rights objects without concluding an agreement with the right holder or the collective management organization, except for cases permitted by law;
- violation of the requirement to pay remuneration in cases stipulated by law;
- use of works or related rights objects beyond the rights granted under the agreement with the right holder or collective management organization;
- other infringements of the property rights of right holders.

Authors' or rights holders' rights may be protected by general or special methods. The general method is provided in Article 11 of the Civil Code, according to which all methods of protection of civil rights apply to copyright objects. The special method is provided in Articles 1040 and 1107 of the Civil Code and includes:

- seizure of material objects that violated absolute rights, as well as objects created as a result of such violation;
- mandatory publication of information about the violation, indicating the right holder;
- destruction of illegally produced goods or removal of infringing marks from goods, packaging, or containers, or, if impossible, destruction of such goods.
- Based on the above, when an author or right holder files a lawsuit claiming violation of rights, he or she may demand from the infringer:
- recognition of rights;
- restoration of the situation that existed before the violation and cessation of actions violating or threatening to violate rights;
- compensation for damages equal to the income that the right holder could have earned under



normal circumstances but did not receive. If the infringer derived income from the infringement of copyright or related rights, the right holder is entitled to compensation of lost profits at least equal to such income, along with other damages;

- payment of compensation, instead of damages, in an amount from twenty to one thousand times the base calculation value, taking into account the nature of the violation and the degree of guilt of the infringer;
- adoption of other measures to protect rights as provided by law.

In addition, the right holder may demand compensation for moral damage.

Furthermore, if the infringer gained income from the violation, the right holder may demand that lost profits be compensated in an amount not less than such income, in addition to other damages.

CONCLUSION

In conclusion, it is necessary to introduce appropriate amendments and additions to the Civil Code and other legislative acts to strengthen liability for copyright and related rights violations and to bring the protection of authors' rights in line with modern requirements.

These amendments and additions will help foster respect for intellectual property rights in society, protect the rights and interests of intellectual property owners, and reduce the circulation of counterfeit products and violations of copyright.

REFERENCES:

1. The Constitution of the Republic of Uzbekistan. <https://lex.uz/docs/6445145>;
2. <https://stat.sud.uz/economical>;
3. Law of the Republic of Uzbekistan "On Copyright and Related Rights". Adopted on July 20, 2006, No.42. Collection of Legislative Acts of the Republic of Uzbekistan, 2006, Nos. 28–29, Article 260. <https://lex.uz/docs/-1022944>;
4. Civil Code of the Republic of Uzbekistan. Part Two. <https://lex.uz/uz/docs/-180552>;
5. Resolution No. 19 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated June 23, 2023, "On Certain Issues of Considering Cases Related to Intellectual Property".