

Considerations on the History of Copyright in Uzbekistan

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Article Information

Received: February 05, 2023

Accepted: March 06, 2023

Published: April 08, 2023

Keywords: *copyright, center, newspaper, local author, royalties, co-authorship, arbitration, inventor, successor, translated work, international law, copyright.*

ANNOTATION

This article contains some considerations related to the history of copyright protection and the formation of its legal foundations. On the basis of archival documents, the fact that the All-Union Bureau for the Protection of Copyrights did not equally protect the rights of local authors and authors working in the "Center" was analyzed. It also highlights the adoption and implementation of some laws that give priority to inventors, an analysis of the results related to copyright protection.

INTRODUCTION

As a conscious being, human thinking and creative products have been highly valued throughout history. Since various upsurges in the development of society are connected with human thinking, this tendency for the upsurge of the future is supported by enlightened people. From this point of view, the desire of man to benefit from nature at the highest level with minimal effort is an objective fact. This, in turn, requires from him the will, regardless of his consciousness, to non-stop creative activity, not completely satisfied with any result, always striving to improve the result, to achieve a new result [1].

After our country gained independence, the creation of a legal democratic state was chosen as one of our main goals. Based on historical experience, as is done in all areas, a number of laws have been passed and scientific studies have been carried out to protect copyright. During the period referred to in the article, the branch of Uzbekistan, which operated under the All-Union Directorate for the Protection of Copyrights, after gaining independence, became an independent participant in international legal norms and agreements.

ANALYSIS AND METHODS OF THE LITERATURE

Since our independence, a number of our local lawyers have been conducting scientific research in the field of copyright protection in Uzbekistan. These research papers are mainly studied from a legal point of view. Scientific research was conducted by a number of legal scholars: Bobokul Toshev, H.R. Rakhmonkulov, I.I. Nasriev, R.T. Khakimov, G.A. Khudoiberdiyeva, I.B. Zokirov and a number of other scientists. For example: Lawyer Khudaiberdiyeva G.A. conducted a scientific study on the topic "Civil-legal protection of related rights" and expressed her suggestions and comments on legal protection issues. In his scientific research, Doctor of Law I. I. Nasriev analyzed the rights of authors of works and their protection, as well as local legislation and the international legal

framework. In the works of the researchers mentioned above, attention was mainly paid to legal aspects, while the article covered historical aspects.

When writing a scientific article, theoretical and methodological, analysis, synthesis, historicity and objectivity, historical-comparative, chronological methods were used.

RESULTS AND DISCUSSION

If we turn to history, we can see that the history of copyright protection in our country dates back to the 30s of the last century. In Uzbekistan, as well as in other countries of the Union, a branch of the All-Union Office for the Protection of Copyrights has been established. During its activity, the Uzbek branch worked in the field of copyright protection, and the ideology and administration of that time were in the spotlight. During the Great Patriotic War and in other difficult years, he continued to defend the authors. There were many shortcomings in copyright protection in the branch of Uzbekistan, as well as in the branches of other republics within the union. Some problematic situations arose even in the center itself. Because the USSR later became a member of organizations created to protect the rights of international authors. "The USSR itself became a party to the agreements of an organization or convention specializing in copyright protection after the seventies. Within a large country, he gave the right to use the works of foreign authors freely and without law in any form" [2]. Therefore, the relatively late application of foreign experience related to the sphere in the Center itself did not fail to show its negative impact on the departments of the republic.

Today, archival documents show that the inadequate functioning of existing legal norms for copyright protection created certain difficulties for authors who worked in remote areas. they could not come to the republican centers if they encountered problems related to obtaining copyright. This may be due to the low royalties you receive or the high number of downloads associated with the industry. A letter sent from Andijan to Ahmed Bobojon, who works in Tashkent, contains the following. "There will be no opportunity to go to Tashkent. These days Tashkent was visited several times by Abbas Botirov, Khairullaev and others. Although it was interesting for me to go with them, I was not lucky. The Regional Party Committee set a number of tasks. I am also in the Jubilee Committee" [3]. This data shows that there are a lot of downloads and few opportunities for creativity.

If interesting materials covered in some journals are republished, then you can also find cases where the author of this work is not paid a fee. For example: Yuldoshev S., editor of the newspaper *Yosh Leninchi*, stated that they reprinted interesting art materials from central magazines and informed the authors of the published material that they were not paid and would not be paid [4]. Among the republished and unpaid works, one can note the story "Jaguar-13", published in the magazine "Spark" and reprinted in the newspaper "Yosh Leninchi". There were also cases where non-payment of contributions was due to lack of funds. Such cases show that the existing legislation in the field of copyright protection is not yet sufficient.

There are also known cases when the Uzbek branch of BMHBB made a number of mistakes when paying royalties. For example, according to the agreement presented by Y. Rajabiy and B. Nadezhdin, co-authors of the music for the musical drama "Farkhod and Shirin", the fee for the music was agreed to be divided equally (50% each). Nevertheless, for 1949, 1950 and 1951, the heads of the Uzbek branch paid a fee of 62,442 rubles [5]. But this amount was not realized by agreement between the co-authors.

Disputes about the distribution of royalties to the authors of the work can be observed not only in the musical drama "Farhod and Shirin", but also among the co-authors of the music created for the performances "Leyli and Majnun" and "Alpomish".

A number of measures were taken to collect debts from regional and city theaters on the territory of the Uzbek SSR. In some cases, appeals were made to the prosecutor's office, but there were few positive results. Some theaters in the Kashkadarya region systematically violated financial and cash discipline, did not hand over the proceeds to the state bank, as a result of which fees were not paid

[6]. In order to prevent this situation, the Uzbek branch of the All-Union Agency for the Protection of Copyrights appealed to the republican prosecutor's office of the USSR. It is not clear whether this issue reached the prosecutor's office of Kashkadarya region and district. The above cases show that some state organizations did not pay serious attention to the legal protection of authors.

Among local writers, Abdullah Kahhor received full royalties for the play "Ipak Sozana" based on a master agreement signed in December 1951. Considering that this work has been translated into other languages, 50% of the funds issued to Abdullah Kahhor should be withdrawn and sent to the Leningrad branch. Author Abdullah Kahhar should receive 25% of the total[7]. Untimely and correct calculations related to royalties caused problems for the authors of the works, as well as for employees of the Copyright Protection Department of the Union and the Republican Departments.

It can also be seen that the above cases are contrary to the current legislation in the field of copyright protection. The former director of the Uzbek branch of the All-Union Bureau of Copyrights T. Fatchullin and his deputy Kolesnichenko wrote article 5 "The Fundamentals of Copyright of the USSR" and "Dramatic, musical, musical-dramatic and other works within the framework of the Uzbek SSR. Archival documents note that he grossly violated the decree "On the procedure for paying for public performance and the amount of royalties", and also that the payments were incorrectly distributed among the authors of the work. the number of musical works [8].

By the decision of the Union of Soviet Writers, from January 1, 1951, deductions from the Literary Fund and the Musical Fund in favor of the All-Union Directorate for the Protection of Copyrights were reduced from 3% to 2%. 9]. This, of course, was fully implemented in the republican departments controlled at that time by the center. He showed how much attention is paid to representatives of the industry, where the money that goes to the organization that protects the authors of the work is being cut.

The fact that the majority of domestic authors did not know about the mechanisms of self-defense had negative consequences for them. They did not receive their fees on time and in full. At first, copyright infringement was clearly demonstrated by the fact that cases of translation or reprinting of works without the consent of the authors became commonplace. Authors, who are unaware of existing laws and are grateful no matter how much they pay for copyright, later tried to learn about existing mechanisms. For example: the aforementioned author Mulla Karim mentioned some information in his letter to Tashkent. We haven't received the money for "Don't Play With Love" yet. We heard from the ministry that this is not enough. We are used to it. I bet that Comrade Khairullaev will bring the money. Now I want to talk about the board. I don't know your rules. If you have time, I would be very glad if you wrote a detailed explanation about this" [10]. Local author Mulla Karim stated that he did not know the current laws and regulations, as he could not obtain copyright. Thus, we can analyze that there are many authors who do not know enough about their rights in our country.

Despite some shortcomings, the Uzbek branch of the All-Union Copyright Bureau protected the interests of many authors. In order to protect the rights of authors, these authors had to be registered with the All-Union Copyright Bureau. Of course, it can be noted that getting a place on this list is associated with the introduction of certain payments for the state, and also has advantages for the author. Including: for the registration of authors a) the place of residence of the author b) regardless of where the heirs live, the author is recorded in the registered section c) the registration form of the author, signed d) requested and the author of the work was asked to provide proof of authorship and other grounds[11]. This made it convenient not only for local authors, but also for all authors working in the Union. On March 23, 1956, the director of the All-Union Directorate for the Protection of Copyrights, G. G. Elchibekov, turned to the Leningrad, Kiev, Tashkent and Almaty departments, stating that there was information about the publication of poems attributed to the Tatar poet Musa Jalil in these parts, if the publication was done, he asked to give the copyright to his daughter S.L. Musaevna[12]. If the list of heirs specified in paragraph b) is not formed to be included

in the above list of authors, after the death of the author, his heirs had problems with receiving royalties.

In this regard, the Uzbek branch, based on the current laws in the field of copyright protection, "Copyright to the Heirs of Musa Jalil", after receiving a notarized copy of the certificate confirming their right to inheritance, will pay copyright to the heirs indicated that it can be paid" [13].

Authors of discoveries and inventions are granted certain privileges under the law in the field of copyright protection. "The right of scientific workers to occupy privileged positions. According to the regulation (Article 76.), when the authors of the discoveries are otherwise equal, this means that if more than one person, including the author of the discovery, applies for the same position of a scientific worker, he should be given priority [14]. Thus, it can be said that giving priority to the authors of discoveries is a form of copyright protection.

Translators have also been active in the field of copyright. But he was not always lucky to receive the full amount through his work. "45-50% of the profit from works translated and published by the authors of our republic into foreign languages remains with the Center. In a number of cases, the "Center" allowed the translation and use of their works without the consent of the authors" [15]. We see that such a situation was observed many times in relation to the authors of the opposition, but the attitude towards the authors in the "Center" was more positive. For example: there are many cases of copyright infringement. These cases were considered in the arbitration of the Committee for Arts under the Council of People's Commissars of the USSR. It is gratifying to note that 95% of the cases considered were resolved in favor of the administration, i.e. authors. But it is a pity that very few cases considered in arbitration relate to regions outside the center [16]. These cases also show that the rights of authors in the autonomous regions are in a much worse position than in the center.

Another problematic situation in the field of copyright protection is disputes about Authorship (Co-authorship), this category of disputes is considered the most difficult of all inventive disputes[17]. If the authors fail to reach an agreement on the composition of the authors and their creative participation in the creation of the invention, it will be necessary to apply in a timely manner to the Committee on Inventions and Discoveries of the USSR. At the same time, on the basis of the current legislation, the rights of the author, who is the true creator of the invention, are protected.

CONCLUSION

In conclusion, it can be noted that the opening and activities of the Uzbek branch of the All-Union Directorate for the Protection of Copyrights during the dark period can be assessed as a positive situation. But archival documents show that the attitude towards local authors and authors who worked in the "center" is not the same. There have been many cases where Republican authors have been translated without their consent or have not received full copyright. Such situations can be explained by the lack of attention to authors working far from the center, and by the fact that most authors are not familiar with the current regulations regarding their protection.

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