



DEFINITION OF COPYRIGHT, PROTECTION OF COPYRIGHT WITH THE CRIMINAL CODE IN THE REPUBLIC OF UZBEKISTAN

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Abstract: *Protection of copyright to intellectual property in the Republic of Uzbekistan and analysis of Article 149 of the Criminal Code of the crime of violation of copyright or invention rights.*

Key words: *Civil code, criminal code, copyright, inventions, patent, co-authorship, damage, legal protection, crime, criminal responsibility, crime prevention.*

Аннотация: *Защита авторских прав на объекты интеллектуальной собственности в Республике Узбекистан и анализ статьи 149 УК РФ состава преступления нарушения авторских прав или прав на изобретение.*

Ключевые слова: *Гражданский кодекс, уголовный кодекс, авторское право, изобретения, патент, соавторство, вред, правовая охрана, преступление, уголовная ответственность, профилактика преступлений.*

As the whole world is developing economically, socially and culturally, new discoveries and new ideas for reform are emerging. The copyright of inventions resulting from new ideas is protected by the state.

Article 42 of the Constitution of the Republic of Uzbekistan states that "Everyone is guaranteed freedom of scientific and technical creativity, the right to use cultural achievements." The state takes care of the cultural, scientific and technical development of the society. Based on the Constitution of the Republic of Uzbekistan, the Law of the Republic of Uzbekistan dated July 21, 2006 "On Copyright and Related Rights", the Law of the Republic of Uzbekistan dated August 29, 2002 "On Inventions, Utility Models and Industrial Designs" " are a normative legal document on the legal protection of intellectual property objects.

According to the current Civil Code, copyright applies to works of science, literature and art that are the result of creative activity, regardless of their purpose and value, as well as the way of expression. Copyright, both disclosed and undisclosed, according to its objective form: written; oral; audio or video recording; image; is applied to works of volume-spatial and other forms. Copyright is granted in relation to the form of expression and not in terms of ideas, methods, processes, systems or concepts.

Objects of copyright are literary works, drama and screenplay works, music with or without text, musical drama works, audiovisual works, scenic, applied and decorative art works, works of architecture, urban planning and park construction, photographic works, geography, geological maps and other maps, programs for all types of Computers and other



works should be understood. Official documents, official symbols and signs, works of folk art are not considered copyrighted¹⁸.

Copyright protection symbols in the Republic of Uzbekistan are the letter "C" in a circle, First and last name of the copyright owner and the first publication of the work.

Protection of the owners of intellectual property objects in the Republic of Uzbekistan for the violation of their copyright by another person, that is, in the case of violation of personal non-property rights of the authors, the name of the performer and the protection of the execution in any way, or from being attacked in any other way there are responsibilities for violation of rights, violation of payment requirements, use of works in excess of what is specified in the contract, and other violations of the property rights of the rights holders.

Article 149 of the Criminal Code of the Republic of Uzbekistan establishes liability for the crime of violation of copyright or invention rights. The object of this type of crime is social relations that ensure the constitutional right of citizens to protect intellectual property, in particular, copyright and invention rights.

Objectively, this is a crime in the following cases: 1. Appropriation of copyright. 2. In coercion. 3. Disclosure of information about intellectual property objects without the **author's consent** before they are registered or published.

According to the composition of the crime, the subject can be a sane individual who has reached the age of 16, and the subjective crime is committed with the right intention, that is, the subject understands the social danger of his act, sees the consequences and wants them to happen¹⁹

Appropriation of copyright means the use of other people's works, inventions, useful models or other intellectual objects in one's own name, i.e. popularization of intellectual objects, distribution of copies of works, sale, public display.

Co-authorship coercion is defined as influencing the owner of the copyright of an intellectual property object in various ways, that is, influence by another subject who did not participate in the creation of this intellectual property. For example, physical threats or threats of deprivation of legal privileges.

Without the consent of the author, prior to the registration of the intellectual property object, at least one person is notified by another person through the media or by speaking at conferences.

According to the current Criminal Code, if any of the above-mentioned actions are performed, a socially dangerous act is considered **completed, regardless of the consequences**.

For committing this type of socially dangerous act, and in case of being found guilty, he/she shall be punished with a fine of 25 to 75 times of the base calculation amount or deprivation of certain rights for up to 5 years, compulsory community service for up to 360 hours or correctional work for up to 3 years.

¹⁸O'zbekiston Respublikasining 2006-yil 21-iyuldagi "Mualliflik huquqi va turdosh huquqlar to'g'risida"gi qonuni, 6 va 8-moddalari

¹⁹Jinayat huquqi (ulıwma bólim) sabaqlıq — Nókis: «Qaraqalpaqstan», 2019-jıl, 142 b



In conclusion, it should be noted that the protection of copyrights to intellectual property is the responsibility of the state, and there is criminal liability for damage to all non-property and property rights of copyright holders.

REFERENCES:

1. O'zbekiston Respublikasi Konstitutsiyasi. URL: <https://constitution.uz/oz/clause/index#section15>
2. O'zbekiston Respublikasining Jinoyat kodeksi [2021 yil 1 aprelgacha bo'lgan o'zgartirishlar va qo'shimchalar bilan] – T.: «Yuridik adabiyotlar publish», 2021y.
3. O'zbekiston Respublikasining 2002-yil 29-avgustdagi “Ixtirolar, foydali modellar va sanoat namunalari to'g'risida”gi qonuni URL: <https://lex.uz/docs/-76671>
4. O'zbekiston Respublikasining 2006-yil 21-iyuldagi “Mualliflik huquqi va turdosh huquqlar to'g'risida”gi qonuni URL: <https://lex.uz/ru/docs/-1022944#-1023016>
5. O'zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 22-avgustdagi 469-sonli “Mualliflik huquqi obyektlarining elektron nazorat nusxalarini yagona bazada saqlash tartibi to'grisidagi nizomni tasdiqlash haqida”gi qarori URL: <https://lex.uz/uz/docs/-6165752>
6. Рустамбаев М.Х Ўзбекистон Республикасининг Жиноят кодексига шарҳлар. Махсус қисм/М.Рустамбаев. – Тошкент: «Yuridik adabiyotlar publish», 2021y
7. Jinayat huqıqı (ulıwma bólim) sabaqlıq — Nókis: «Qaraqalpaqstan», 2019-jıl, 508 b URL: <http://karsu.uz/wp-content/uploads/2019/07/11-1.pdf>
8. Утемуратова С. Инсан хуқуқ ҳәм еркинликлерин тәмийнлеўдиң хуқықый тийкарлары. Суд-хуқуқ ислоҳотлари: бугуни ва истиқболи» мавзусидаги Республика илмий-амалий конференция материаллари Нукус 7 май 2018 –Б.81-83
9. Утемуратова С. Инсан мәплери үстинлигин тәмийнлеўдиң конституциялық тийкарлары. «Инсон манфаатларини таъминлашда Ҳаракатлар стратегиясининг аҳамияти» мавзусидаги илмий-амалий конференцияси Нукус 15 май 2017 –Б.11-12.