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IBI (India) = 4.260  
OAJI (USA) = 0.350

SOI: [1.1/TAS](#) DOI: [10.15863/TAS](#)

## International Scientific Journal Theoretical & Applied Science

p-ISSN: 2308-4944 (print) e-ISSN: 2409-0085 (online)

Year: 2022 Issue: 11 Volume: 115

Published: 28.11.2022 <http://T-Science.org>

Issue

Article



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## HISTORY OF CURRENT PROBLEMS IN PROTECTION OF COPYRIGHT RIGHTS IN UZBEKISTAN (Based on archival documents)

**Abstract:** This article discusses the problematic situations related to copyright protection processes in our country. The activities of the All-Union Department for the Protection of Copyright Rights of the SSR of Uzbekistan were analyzed on the basis of archival documents and the necessary scientific conclusions were reached. Also, the solution of existing problems in the copyright protection system and the analysis of their results are covered.

**Key words:** Authorship, Uzbekistan branch, commissioner, co-author, research, publishing, concert.

**Language:** English

**Citation:** Begaliyev, J. R. (2022). History of current problems in protection of copyright rights in Uzbekistan (Based on archival documents). *ISJ Theoretical & Applied Science*, 11 (115), 781-785.

**Soi:** <http://s-o-i.org/1.1/TAS-11-115-60> **Doi:**  <https://dx.doi.org/10.15863/TAS.2022.11.115.60>

**Scopus ASCC:** 1202.

### Introduction

After Uzbekistan gained its independence, the provision of democratic rights in the country was defined as one of the main tasks. Based on the experience of the developed countries of the world and our historical experiences, special attention has been paid to the protection of intellectual property. First President I.A. Karimov emphasized that "the time has come to adopt a number of laws in a new spirit aimed at protecting the rights of authors and intellectuals"[1], which was important for the acceleration of the legal foundations of the industry. President Sh. M. Mirziyoev's based on decision "On measures to improve state management in the field of intellectual property", consistent measures have been taken to improve the mechanisms of introducing innovations into economic sectors in the country, to ensure its competitiveness, to create conditions aimed at the development of active entrepreneurship and innovative activities, and to ensure reliable legal protection of intellectual property is increasing [2].

### Literature Review and Methodology of Research

In our country, a separate research work related to the history of copyright has not been conducted.

After our independence, a number of jurists have paid attention to the legal aspects of copyright in their scientific research. Some information about the history of copyright formation is given. Among the scientists who have passed some legal aspects of copyright protection: Boboqul Toshev, H.R. Rahmonkulov, I.I.Nasriev, R.T.Hakimov, G.A.Khudayberdieva, I.B.Zokirov and a number of other scientists citing scientific research works can pass. Boboqul Toshev wrote in his doctoral dissertation, "Copyright in the Republic of Uzbekistan, like in other countries, has its own history. The honor and dignity of poets, artists, engravers, epic writers, etc., who were considered authors in ancient times, and the works they created were protected as values, and authors were encouraged" [3].

I. I. Nasriev, doctor of legal sciences, analyzed local legislation and international legal frameworks regarding the rights of the authors of works and their protection in his scientific research. C.S. Kishkin, M.A. Gelfer, V. L. Chertkov V.I. Koretsky and a number of other scientists conducted scientific research. On the basis of archival documents, the existing problems in ensuring the rights of authors and efforts to resolve them were highlighted in the article.

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## Results and Discussion

In the history of our country, there are many cases where authors of works, authors of inventions, artists and authors of many other fields have received their fees even though there are no legal grounds for copyright protection. The creation of the legal basis for the protection of copyright goes back to the 30s of the last century. Along with other republics within the USSR, the Uzbek branch of the All-Union Office for the Protection of Authors' Rights was established in May 1933 [4]. During its activity, this department has protected the rights of many local and foreign authors based on existing procedures. In ensuring the rights of the authors, the interests of the authors registered with the department are mainly protected. However, as in all fields, the process of securing authors' rights was not easy, and we can see that the Uzbekistan branch faced several problems in this regard. Due to the large number of folk songs and tunes in the Uzbek SSR, it was very difficult to identify the real authors. In addition, the fact that there were a lot of people with the same surname was considered a problem in finding the authors of the work and securing its rights [5]. It is known that he worked in the branches of the Uzbekistan branch in the regions and large cities to eliminate problematic situations. According to the information in the archive documents, the number of registered authors in the first years of the establishment of the department was 47[6].

There were more authors who worked in our country than listed, but this may be due to the fact that our authors did not know enough about the legal basis of copyright protection in those times. For example, one of the authors from Andijan, Mulla Karim Akhmedov, in his letter to the head of the Uzbekistan department, A. Bobojonov, mentioned that he had not yet received the money for "Playing with love" and could not come to Tashkent due to the tasks given by the "Party". Most importantly, at the end of the letter, he also stated that he does not know the existing laws on obtaining copyright[7]. In the example of this author, we can say that many authors were not familiar with the laws and regulations of the field, and as a result, they did not fight for their rights. This may have been caused by the fact that the government and the department did not carry out timely and sufficient promotional activities.

Local representatives of the department worked actively in the process of securing authors' rights in our country. Some information about deficiencies in the payment of representatives has been preserved. For example: In the 1939 expenditure estimate, overspending in the calculations of the salaries of the Commissioners was found in the audits. It was known that 800 rubles was planned for the average salary of the commissar of Tashkent city, and he was paid 1000 or more rubles on average[8]. These cases show that the calculations were not carried out accurately both in the payment of the authors and in the process of

paying the monthly salaries to the representatives. We can see that some shortcomings were allowed by the leaders who worked in the Republic department in securing copyright due to the lack of qualified accountants. In the years of World War II, some tasks were assigned to the branches of the All-Union Department for the Protection of Copyright Rights in all the republics of the USSR, including the branch of Uzbekistan. The first task was to supply theaters at the front with literary and musical material. The second task is to ease the financial situation of families of military writers. During the temporary occupation of a number of territories by the enemy, the servants living in these lands were moved to the East. It was decided to take a part of the employees with the main documents from Moscow to Chistopol and Tashkent, and to transfer the main part of the writers to these places, and these tasks were accomplished, albeit with difficulty. In spite of such difficult years, the work of identifying the real owners of the works was carried out effectively together with members of the All-Union Department for the Protection of Copyright Rights and the republic. For example: The Board conducted an examination of works with the forces of qualified experts. In 1944, 340 examinations were conducted, and in 1945 their number reached 450. It is necessary to highlight the contribution of the Uzbekistan branch along with other republican branches in the achieved results [9]. The Uzbekistan branch did not submit reports on time, there were negative situations related to the protection of authors' rights, and as a result, three directors changed during the war [10].

According to the inspections carried out by All-Union Department for the Protection of Copyright Rights, the former director of the Uzbekistan branch, Fatchullin Z. R. and his deputy for the operative part Kolesnichenko for several years made mistakes in the protection of authors' rights in the field of Art, according to the information of archive documents. In particular, violating the procedures provided for in the "Fundamentals of copyright of the USSR" and the decision No. 44 of the Council of People's Commissars of the Uzbek SSR dated January 31, 1944 "On the procedure and amount of royalties for the public performance of musical, musical-dramatic and other works in the territory of the Uzbek SSR" , wrongly distributed copyright among the co-authors of a number of musical works[11]. For example: co-author-composer Yu. It is possible to mention the issue of royalties for the performances of Nadezhdin, the co-author of the music for the "Farhod and Shirin" play by Radjabiy, which took place in the regional theaters of the republic. In such cases, mostly the agreements in the contract have not been confirmed in practice. One of the many problems encountered in the effective operation of the department and in the process of securing authors' rights is the building problem. However, it was noted that the department

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was given 2 rooms from the building of the SS Writers' Union of Uzbekistan, and that the equipment for these rooms was unsuitable, so the All-Union Department for the Protection of Copyright Rights was contacted in the III quarter of 1950, and a list of equipment worth 32,000 rubles was also attached. It is mentioned that the issue of buying a separate house for the department is being considered by the Council of Ministers of the Uzbek SSR[12]. In accordance with the permission of the Union of Soviet Writers of the USSR No. 1505 dated June 22, 1950, the All-Union Copyright Protection Authority authorizes the office of the Uzbekistan branch to spend 100,000 rubles for the purchase of a house. For the purchase of housing, it is stipulated to obtain the appropriate permission from the Council of Ministers of the Uzbek SSR and to transfer the above amount to the current bank account at the same time[13]. But despite the decisions and permits, we can see that the department's problems with the building continued in the mid-1950 s.

The Uzbek branch of All-Union Department for the Protection of Copyright Rights will be transferred from the building it occupies to the library of the Soviet Union of Writers of Uzbekistan. The incident in 1954 had a negative impact on the work of the department and resulted in the department not functioning normally on the days of payment of royalties to authors. In order to solve the problem related to the building, it was agreed to solve this issue by allocating 1 additional room from the Writers' Union, if no room suitable for the Department of Copyright Protection of Uzbekistan is found among the organizations operating in Tashkent city [14]. Such situations can be said to have a negative impact on the ability to work effectively with authors.

In the letter sent to the Uzbekistan branch of All-Union Department for the Protection of Copyright Rights on March 2, 1955, it was emphasized that the collection of contributions to the Literary Fund from the royalties paid by the publishers located in the capitals of the Union republics is the least labor-intensive task, and last year, the department received a reward of 1% from the collected funds of the literary fund in publishing houses. Also, All-Union Department for the Protection of Copyright Rights considers this amount of payment to be too high, and the commissioner proposed to reduce the premium received by publishing houses from the collected funds of the literary fund to 0.5%. In this regard, the Uzbekistan department reduced the salary fund of commissars for 1955 by 1500 rubles [15]. Based on the above-mentioned information, we can see that the monthly salary of the commissioner is determined by All-Union Department for the Protection of Copyright Rights. A small increase in the monthly salary of the commissar caused the reduction of the annual salary fund.

The decision of the Council of Ministers of the USSR No. 274 dated February 23, 1956 in a number of research institutes and higher educational institutions subordinated to the Ministry of Agriculture of the Uzbek SSR stipulates the registration of the completed research works by the Inventions and Discoveries Committee under the Council of Ministers of the USSR. But in 1959, 231 research topics were completed, of which only 7 topics were registered in the Committee of Inventions and Discoveries, in 1960, 279 research projects were completed, and as of May 1, 1961, none of them were registered[16]. One of the biggest problems in securing copyrights is that the reports submitted by the managers of entertainment enterprises to the Uzbek branch of All-Union Department for the Protection of Copyright Rights do not correspond to the actual works. There were a number of reasons for the discrepancies between the work done and the reports prepared. a) most of the time, the drafting of the report is entrusted to persons not directly related to the concerts, rather than the program manager. b) reports prepared on the basis of the plan and on the basis of the volume of work performed - often they are drawn up long after the implementation of the program. This certainly shows that both the composition of performers and the performed works can change at concerts. Many theaters (Samarkand, Koqan, Khorezm, Fergana, etc., as well as the Uzbek State Philharmonic and Variety) staged many works of their musical directors, leading programs and other artists 5-10 times in concerts and theater stages, violating the orders of the industry. In order to prevent such situations, in accordance with the order of the Minister of Culture of the USSR No. 7 of January 5, 1959 and No. 328 of July 13, 1962, artistic and musical directors of concert groups, presenters of concert programs, and other performers, without the permission of the higher authorities of the Ministry of Culture, are allowed to perform more than 1-2 of their works without the permission of the higher authorities of the Ministry of Culture. numbers are prohibited from being included in the repertoire[17]. Such orders served to create equal conditions for all authors in securing copyright. Publishers of all union republics pay royalties to national authors when translating their works into other languages of the peoples of the USSR, strictly observing copyright laws. In some republics, there have been cases of non-compliance with laws. For example, the works of Kazakh, Kyrgyz, Tajik and Uzbek writers are often published in translation from Turkmen publishing houses. But these publishers do not pay authors royalties. Several attempts by the Turkmenistan department to resolve this issue and restore legitimacy have also ended in vain. This situation caused reasonable objections of the authors who worked in the neighboring republics. Because, when Turkmen writers publish their works in translation, the fees paid to them are collected

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everywhere, including Kazakhstan and Kyrgyzstan, Tajikistan and the Union Republics of Uzbekistan[18]. The heads of the departments of the sister republics sent the information about the publishing houses belonging to the Turkmenistan department to the All-Union Department for the Protection of Copyright Rights because they did not fulfill the decision of the USSR Council of Ministers and did not pay royalties to the authors of the sister republics for almost twelve years. These circumstances led to the fact that they could not receive royalties for the works published in the publishing houses belonging to the Turkmenistan branch for many years. In securing copyrights, there have always been cases where the names of the authors of the works were not indicated on the posters and shows. Therefore, in the letter sent by All-Union Department for the Protection of Copyright Rights on April 2, 1964, it was specially emphasized that the protection of authors' copyrights is not only material, but also the right to the name [19]. This means that the representatives of the field, who worked in the system of the Uzbekistan department, tried to ensure the rights of the authors only from the material side, and the right to the name was neglected in some cases. This was certainly the cause of the rightful objection of the authors.

It can be observed that in our country, the workers of the field who worked on the protection of authors' rights are not paid enough attention. D.P. Rysanyansky, one of the senior employees of All-Union Department for the Protection of Copyright Rights Uzbekistan department, which has been serving in the city of Samarkand and Samarkand region for almost 50 years and has ensured the collection of large amounts of funds for the benefit of authors. During his career, he made a great contribution to the involvement of local personnel in the field. After the 50th anniversary activity was not taken into account by the higher organizations, by the Uzbekistan branch of the All-Union Department for the Protection of Copyright Rights, on the occasion of the 50th anniversary of the founding of the USSR - D.P. Rysanyanskiy was asked to issue the honorary title of "Honorary cultural worker in the Uzbek SSR" [20]. For the development of the industry, it is necessary to increase the attention to the system employees. It is possible to cite some problematic situations related to publishing houses in the protection of authors' rights. One of the local authors, G. Gulom, has a long history of creative relations with the Tashkent publishing house, but in recent years, G. Ghulam applied to the legal department of All-Union Department for the Protection of Copyright Rights about the fact that the management of Ghulam publishing house does not follow the rules adopted by publishing houses of our country in their practice [21]. As an example: the publishing-printing creative house named after Gafur Gulam will make only one copy of

the contract with the authors, and it will be left at the publishing house, and thus the second copy of the contract will not be available to the author. However, according to the specific form of the contract, it is published as two copies, but the publisher does not follow this rule[22]. Of course, in such cases, the authors faced several difficulties in getting the pen fees. In order not to return these shortcomings, on July 17, 1973, a conversation was held with the editorial staff on the topic of "Consequences of non-observance of the publication deadline by the author and the publisher" in the building of the publishing house named after G. Ghulom [23].

Based on the ideology of the period, some works were removed from the concert repertoire. For example: A., head of the Uzbekistan department of BMHBB. P. Pulatov, Director of Khorezm Regional Musical Drama Theater A. Atajanovga B. When Davletov's works "Oh how", "Kremlin" and "Kamsomol girls" were submitted for registration, he ordered to remove the above songs from the repertoire of the Khorezm regional theater, taking into account the low ideological content of the lyrics[24]. It can be seen that it is important that the works written during this period serve the Soviet ideology, and this is one of the cases that negatively affects the creativity of the authors, and there were enough problems in the issue of copyrights for works that were banned and removed from the repertoires. In the activity of the Uzbekistan branch of All-Union Department for the Protection of Copyright Rights, the activities of the trade union organization have also been established. But the majority of copyright commissioners did not enjoy union privileges. For example, V. N. Berezkina can be shown. Her son was serving in the Soviet Army and she was living alone and had to live on a salary of 85 rubles. As a result, the Department of Copyright Protection of Uzbekistan V. N. Berezkina's It was decided to allocate funds for sanatorium treatment[25]. It can be cited as a situation related to the activity of an employee engaged in the protection of copyright.

## CONCLUSION

In conclusion, it can be emphasized that the establishment of the Uzbekistan branch of the All-Union Office for the Protection of Authors' Rights on the territory of our country has created the basis for the legal basis for the protection of authors' rights. In the early days, the work procedures of the Uzbekistan branch and insufficient knowledge of local authors' existing laws in the field caused a number of problematic situations related to the protection of authors' rights. During the Soviet period, there were cases where the differences in relations between the authors who worked in the republics and the authors in the center had a negative impact on the creative activity of the authors. Despite a number of negative situations mentioned above, some positive efforts



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were also made during this period in the promotion of laws related to the field and legal protection of authors.

## References:

1. Karimov, I.A. (1996). *Olin's speeches at the Majlis session*. "People's Word". newspaper, August 29-30, 1996.
2. (n.d.). *Decision of the President osdsf the Republic of Uzbekistan No. PQ-4168 "On measures to improve state management in the field of intellectual property"*.
3. Toshev, B. N. (2008). *Legal status of acts of international organizations on the right to be responsible*. doctoral thesis. (p.31). Tashkent.
4. (n.d.). *National archives of Uzbekistan 2432-foundation*, reference, 1-page.
5. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 10-case, 8-page.
6. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 9-case, 17-A page.
7. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 79-case, 28 page.
8. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 12-case, 1 page.
9. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 9-case, 6 page.
10. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 9-case, 6-A page.
11. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 50-case, 1 page.
12. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 41-case, 9 page.
13. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 41-case, 13 page.
14. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 2-case, 41 page.
15. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 5-case, 23 page.
16. (n.d.). *National archives of Uzbekistan 2432-foundation*, 3-inventory, 87-case, 26 page.
17. (n.d.). *National archives of Uzbekistan 2432-foundation*, 3-inventory, 143-case, 39 page.
18. (n.d.). *National archives of Uzbekistan 2432-foundation*, 1-inventory, 93-case, 43 page.
19. (n.d.). *National archives of Uzbekistan 2432-foundation*, 3-inventory, 132-case, 9 page.
20. (n.d.). *National archives of Uzbekistan 2432-foundation*, 3-inventory, 73-case, 10 page.
21. Begaliev, Zh. R. (2021). *Ўzbekistonda mualliflik xukuki tarihi (1940-1950 jillar). Vzglyad v proshloe*, 4(5).
22. (n.d.). *National archives of Uzbekistan 2432-foundation*, 3-inventory, 70-case, 9 page.
23. (n.d.). *National archives of Uzbekistan 2432-foundation*, 3-inventory, 69-case, 11 page.
24. (n.d.). *National archives of Uzbekistan 2432-foundation*, 3-inventory, 74-case, 52 page.
25. Begaliev, Zh. R. (2021). *Ўzbekistonda mualliflik xukuki tarihi (1940-1950 jillar). Vzglyad v proshloe*, 4(5).