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HISTORY OF COPYRIGHT PROTECTION IN UZBEKISTAN

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Abstract. This article discusses the history of copyright protection and the formation of its legal framework. The fact that the All-Union Department for the Protection of Copyrights did not protect the rights of local authors and authors working in the "Center" equally is analyzed based on archival documents. It also discusses the adoption and application of certain laws that give priority to inventors, An analysis of the results of the activities of the arbitration under the USSR Committee for Inventions and Discoveries and the Committee for Artistic Affairs under the USSR Council of People's Commissars in the protection of copyright is presented.

Keywords: center, newspaper, local author, honorarium, co-authorship, arbij, inventor, heir, translated work, law – rule, discoveries, copyright.

Introduction. As a conscious being, human thought and creative products have been highly valued at all stages of history. Since various advances in the development of society are associated with human thought, this tendency was supported by the enlightened in the future. From this point of view, the desire of man to benefit from nature to the greatest extent with the least effort is an objective fact. This, in turn, requires him to engage in creative activity, regardless of his will and consciousness, and not be completely satisfied with any result, but always in search of improving the result, achieving an even new one [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 were adopted and scientific research was carried out aimed at protecting copyright. The Uzbek branch, which was affiliated with and subordinate to the All-Union Copyright Administration (UCPA) during the period mentioned in the article, after independence, gained the opportunity to become an independent member of international legal norms and agreements and to operate.

Analysis of literature on the topic. After our independence, a number of local lawyers conducted scientific research in the field of copyright protection in Uzbekistan.

This research work was mainly studied from a legal perspective. Legal scholars such as Boboqul Toshev, H.R. Rakhmonkulov, I.I. Nasriyev, R.T. Hakimov, G.A. Khudaiberdiyeva, I.B. Zokirov and a number of other scholars conducted scientific research.

Lawyer G.A. Khudaiberdiyeva conducted scientific research on the topic "Civil legal protection of related rights" and expressed her proposals and opinions on legal protection.

Doctor of Law, I.I. Nasriyev, in his scientific research, analyzed the domestic legislation and international legal frameworks regarding the rights of authors of works and their protection. The works of the above-mentioned researchers mainly focused on legal aspects. The article covered the history.

Research methodology. Theoretical and methodological, analysis, synthesis, historicity and objectivity, historical and comparative, and chronological methods were used in writing this scientific article.

Analysis and results. If we look at history, we can see that the history of copyright protection in our country dates back to the 1930s. Along with other countries in the Union, a branch of the All-Union Department for the Protection of Authors' Rights (UBDOR) was established in Uzbekistan. During its activities, the Uzbek branch worked in the field of protecting authors' rights, focusing on the ideology and administration of the time. It continued to protect authors during World War II and other difficult years. In the protection of authors' rights, many shortcomings were observed in the Uzbek branch, as in the branches of other republics in the Union. Some problematic situations were encountered even within the center itself. Because the USSR became a member of organizations established to protect international copyrights later. "The USSR itself became a member of the treaties of organizations or conventions specializing in the protection of copyrights after the seventies. Within a large country, it granted the right to freely and without any legal means to use the works of foreign authors in any form" [2]. Therefore, the relatively late application of international experiences in the field within the Center itself has had a negative impact on the republican departments.

Today, archival documents show that the lack of proper functioning of the existing legal norms for the protection of copyrights has created certain difficulties for authors working in remote areas. If they encounter problems with receiving royalties, they cannot come to the centers of the republic. This may be due to the small amount of royalties they receive or the large number of workloads related to the industry. A letter sent from Andijan to Ahmad Bobojon, who works in Tashkent, states the following. "There is no opportunity to go to Tashkent. These days, Abbas Batyrov, Khairullayev and others have been to Tashkent several times. I was interested in going with them, but I did not have the opportunity. The regional party committee has assigned several tasks. I am also on the commission for holding the anniversary" [3]. This information indicates a large number of workloads and a lack of opportunities for creativity.

There are also cases where interesting materials published in some magazines are republished, and the author of this work is not paid royalties. For example, the editor of the newspaper "Yosh Leninchi" S. Yuldoshev stated that they had republished interesting artistic materials from the Central magazines and informed the authors of the published material that they had not been paid royalties and would not pay them [4]. Among the works that were republished and not paid royalties is the story "Jaguar – 13", published in the magazine "Ogonyok" and republished in the newspaper "Yosh Leninchi". There have also been cases where the non-payment of royalties was explained by the lack of funds. Such cases indicate that the existing legislation in the field of copyright protection is still insufficient.

There are also cases where the Uzbek branch of the Uzbek State Committee for the Protection of the Rights of the Child made a number of shortcomings in the payment of royalties. For example, for the musical drama "Farhod and Shirin", it was agreed to divide the royalties for the music equally (50% each) based on the agreement submitted by the co-authors of the music Yu. Rajabiy and B. Nadezhdin. Despite this, the leaders of the Uzbek branch paid a fee of 62,442 rubles for 1949, 1950 and 1951 [5]. However, this amount was not paid based on the agreement between the co-authors.

Disputed disputes over the distribution of payments to authors of works can be observed not only in the musical drama "Farhod and Shirin", but also among the co-authors of the music for the plays "Leyli and Majnun" and "Alpomish".

A number of works have been carried out to collect debts from regional and city theaters in the Uzbek SSR. In some cases, appeals were made to the prosecutor's office, but this did not yield positive results. There have also been cases where some theaters in the Kashkadarya region

systematically violated financial and cash discipline, did not transfer revenues to the state bank, and as a result, royalties were not paid [6]. To prevent this situation, the Uzbek branch of the All-Union Department for Copyright Protection appealed to the Republican Prosecutor's Office of the Uzbek SSR. It is unclear whether this issue has reached the Kashkadarya regional and district prosecutor's offices. The above cases indicate that some state organizations do not pay serious attention to the work on the legal protection of authors.

Of the local authors, Abdulla Qahhor received full royalties for the play "Ipak so'zana" on the basis of a general agreement signed in December 1951. Considering that this work was also translated into other languages, 50% of the funds given to Abdulla Qahhor should be deducted and sent to the Leningrad branch. The author Abdulla Qahhor should have received 25% of the total amount [7]. The failure to timely and correctly calculate royalties caused problems not only for the authors of the work, but also for the employees of the All-Union Department for the Protection of Copyright and the republican branches.

It can also be seen that the above circumstances contradict the existing laws in the field of copyright protection. The archival documents indicate that the former director of the Uzbek branch of the IUCN, T. Fatkhullin, and his deputy, Kolesnichenko, grossly violated Article 5 of the "Fundamentals of Copyright in the USSR" and the resolution "On the procedure for payment and the amount of royalties for the public performance of dramatic, musical, musical-dramatic and other works within the Uzbek SSR", and that payments were incorrectly distributed among the authors of a number of musical works[8].

By decision of the Union of Soviet Writers, from January 1, 1951, the amount of allocations from the Literature Fund and the Music Fund in favor of the USSR Writers' Union was reduced from 3% to 2% [9]. This, of course, was fully applicable to the republican branches that were at that time controlled from the center. The reduction in the funds allocated to the organization that protects authors of works showed the extent of the attention paid to the representatives of the industry.

The fact that many local authors were not aware of the mechanisms that protect them also had negative consequences for them. They did not receive their royalties on time and in full. The fact that translations or reprints of works without the consent of the authors became commonplace clearly demonstrated the violation of copyright rights in the early days. Authors who were unaware of the existing laws and were grateful for the royalties they received, regardless of how much they received, also tried to become aware of the existing mechanisms later. For example, the above-mentioned author Mulla Karim provided some information in a letter to Tashkent. We have not yet received the money for "Don't Play with Love". We heard that the ministry would give it to us. We are used to this too. I insist that Comrade Khairullayev will bring the money. Now I want to say this about royalties. I do not know the laws and regulations in your country. If you have time, I would be very happy if you could write a brief explanation about this [10].

Local author Mulla Karim stated that he is not only unable to receive royalties, but also does not know the existing laws and regulations. So, we can analyze that there are many authors in our country who are not sufficiently aware of their rights.

Despite some shortcomings, the Uzbek branch of the IAU protected the interests of many authors. In order to protect the rights of authors, it was necessary for these authors to be included in the list of the All-Union Department for the Protection of Authors' Rights. Of course, it can be noted that inclusion in this list was associated with the introduction of certain payments for the state, and also had some beneficial aspects for the author. In particular, for the registration of authors, a) the author is registered in the department where he is registered, regardless of where the heirs live,

c) the author's registration form, signed, d) required and required documents confirming the authorship of the work and other grounds [11]. It was convenient not only for local authors, but also for all authors operating within the Union.

On March 23, 1956, the director of the State Library of the Republic of Uzbekistan, G. G. Elchibekov, addressed the Leningrad, Kiev, Tashkent, and Almaty branches, stating that there was information that poems belonging to the Tatar poet Musa Jalil had been published in these regions, and that if they had been published, his daughter S.L. Musayevna would be paid the royalties [12]. If the list of heirs mentioned in paragraph b) was not formed for inclusion in the list of authors mentioned above, then after the death of the author, his heirs would face problems with receiving royalties.

In this regard, the Uzbekistan branch also noted that, based on existing laws in the field of copyright protection, "the copyright may be paid to the heirs of Musa Jalil after receiving a notarized copy of the certificate confirming their inheritance rights and the right to receive the copyright" [13].

In the protection of copyright, the authors of discoveries and inventions are granted certain privileges within the framework of the law. "The right of scientists to preferentially occupy positions. According to the Regulation (Article 76), if the authors of discoveries are otherwise equal, this means that if several persons, including the author of the discovery, apply for the same position of scientist, he must be given priority [14]. Therefore, we can say that giving priority to the authors of discoveries is a form of protection of the rights of authors.

Conclusion and suggestions. In conclusion, it can be noted that the opening and operation of the Uzbek branch of the International Union of Authors of the Republic of Uzbekistan during this period can be assessed as a positive situation. However, archival documents show that the attitude towards local authors and authors working in the "center" is not the same. There have been many cases where the works of the republican authors were translated without their consent or their copyrights were not fully received. Such cases can be explained by the lack of attention to authors working far from the center and the fact that most authors are not familiar with the existing laws and regulations on their protection.

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