

Protection of Copyright in the Digital Environment: The Role of the Institute of Collective Management Organizations

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Annotation: This article discusses the trends in the development of digital technologies in the field of copyright and related rights, the emerging risks and development prospects, and the role of collective management organizations in this area. In particular, the article highlights that the methods and mechanisms for managing and protecting copyright and related rights are rapidly changing with the development of digital technologies, and explains how the institution of collective management of property rights holds a leading position in this process. The issues proposed by collective management organizations for the effective management of rights in the digital environment for both rights holders and users are examined, including effective and centralized rights management solutions that benefit both parties, as well as royalty solutions. Additionally, the article discusses the practices of several foreign countries in this area and the role of the World Intellectual Property Organization.

Key words: copyright, related rights, digital environment, collective management of property rights, modern technologies, technical measures, judicial practice.

By the 21st century, the transition of copyright objects from their usual appearance to the form of modern technology has accelerated even more. In particular, the scope of application of "interactive law" and "unfair use" has expanded in this area, and various concepts such as technical means of protection and "technically and creatively based work" have emerged. In my opinion, the development of information technology has had and is having the greatest impact on the field of copyright and related rights. According to Edward Samuels, "The Internet is changing everything, and if copyright stands in its way, it has to change too." [1].

It is known that there was a constant balance in the bilateral relations related to copyright and related rights. This balance is maintained in order to support authors and copyright holders (an incentive for creativity and cultural development) and ensure the interests of society (opening the way to the use of cultural and creative values).

The difference between objects of copyright and related rights from other objects of intellectual property is characterized by the absence of any formalities for the emergence of exclusive rights to them. This rule is also reflected in article 10 of the Law of the Republic of Uzbekistan "On Copyright and Related Rights" [2].

In a certain sense, this rule can have both positive and negative implications for the protection of copyright and related rights. The positive aspect is that it is characterized by its direct introduction into circulation, while the negative aspect is its easy "appropriation", moving without borders. The most important aspect in this area is that it is characterized by the payment of an appropriate fee for the use of these facilities and the consent of the copyright holder.

Although copyright and related rights are not protected by a specific patent or certificate, the institution of collective management of property rights occupies the most fundamental place in ensuring their protection. Indeed, according to article 19 of the Law of the Republic of Uzbekistan "On

Copyright and Related Rights”, any users can use works under an agreement with organizations that manage property rights on a collective basis.

This aspect is useful for both the author (copyright holder) and the user. The main content of the institute of collective management of property rights is that it unites the interests of users and copyright holders. This aspect allows users to simplify the system of obtaining permissions from multiple copyright holders at the same time, while it is possible for copyright holders to charge fees in a simple and convenient way. At the same time, the main aspects of the activities of such organizations are the issuance of licenses to users, verification (audit) of users, monitoring compliance with copyright and related rights, as well as the collection and distribution of funds received from the use of rights.

The World Intellectual Property Organization (WIPO) pays special attention to the following objectives of the institute of collective management of property rights for copyright holders, users and society.

1. Formation of a culture of respect for rights. It is considered to be very important that users obtain copyright clearance in a simple way. Team management provides an opportunity to conveniently control the established rules.
2. Ensuring a healthy print market. It is known that copying copyright objects for commercial purposes is considered a violation of the law and requires prompt and effective measures by the relevant competent authorities in response to such a situation. In this process, the Institute of Collective Management of Property Rights can act as an assistant.
3. Protection and encouragement of creative activity. Ensuring that royalties are paid to copyright holders stimulates the creative activity of authors and ensures that publishers will invest in new publications. Any state that respects its national traditions, protects its achievements in the fields of culture, science and education, recognizes legislation in the field of intellectual property protection and fully supports its implementation.
4. To promote the development of national culture and cultural diversity. The use of copyright objects through “piracy” harms the state at the national level. For certain cultural groups, there will be a once-in-a-lifetime opportunity to make money from the works they create. Effective mechanisms for using a reliable legal framework and legislation are a necessary method of promoting national culture [3].

Developing the above points, it should be said that it is important to improve the activities of the institute for collective management of property rights and focus on their support at the state level. It should be noted that the authority for collective management of property rights is granted directly by the owners of the rights on a voluntary basis on the basis of written agreements, as well as on the basis of relevant agreements concluded with other similar organizations. The main criterion is the existence of a contract between the owner of the rights and the organization. Culture and information (radio, television, platforms, etc.) as a result of their very widespread creation and use, the possibility of concluding individual contracts with each author (copyright holder) is very difficult. For this reason, I also believe that it is necessary to pay attention to the process of concluding contracts between organizations that manage property rights on a collective basis. The joint activities of such organizations contribute to the introduction of unified and common regulatory mechanisms.

Today, the reform of the system of theoretical research and the legislative framework for the management of intellectual property rights, and especially to prevent its dissemination on the Internet, is one of the most sought-after areas of activity [4].

Copyright management in the digital environment is rapidly changing its image, and the institution of collective management of property rights plays a key role in this transformation process. After all, it is

organizations that manage property rights on a collective basis that provide an effective way to centrally manage rights and royalties.

At the same time, it should be said that modern technologies create not only problems, but also opportunities for organizations that manage property rights on a collective basis. After all, innovations in the digital environment serve as an effective mechanism for managing and distributing rights through tools and platforms. This is ensured by the processes we use to analyze data, from monitoring the performance of works to the efficient and transparent distribution of royalties. In this process, it should not be forgotten that attention should be paid to the proper application and balance of the legislative framework and technical solutions. In some areas, the overlap of these two aspects can cause various problems in practice. For this reason, organizations that manage property rights on a collective basis and use modern technical solutions in their activities have not previously been prohibited from using the mechanisms mentioned in the law or the possibility of applying them in practice, and fair methods should be used. For example, according to article 33 of the Law of the Republic of Uzbekistan “On Copyright and Related Rights”, when paying for reproduction for personal purposes, distribution is carried out in the following order. According to him, forty percent of the collected royalties were set for authors, thirty percent for performers and thirty percent for producers of phonograms and (or) audiovisual works. Such strict rules are important for convenient distribution, but we cannot define this rule in relation to each method of use.

In practice, there are various technical methods and tools available today. Such tools include the collection of royalties for the use of works on various social networks and mechanisms for establishing the facts of illegal use of works. Such methods include the following:

n'RIS – this ecosystem of services provides an opportunity to create and monetize intellectual property and effectively manage the rights of participants in this movement [5].

n'RIS Anti-Piracy – is designed to prohibit cases of illegal use of works and identify violations on the Internet [6].

Hypergraph – is a software product for the activities of organizations for the collective management of copyright and related rights [7].

FONMIX – is a complex of organizational services for users of musical compositions at various facilities [8].

In this case, it is important to monitor the activities of organizations that manage property rights on a collective basis and, as a result, ensure transparency of their activities. Indeed, according to article 60 of the Law of the Republic of Uzbekistan “On Copyright and Related Rights”, control over the activities of such organizations is carried out by a specially authorized state body.

After all, transparency is the main requirement for organizations that manage property rights on a collective basis. In particular, the main objective of Directive 2014/26/s of the Parliament and the Council of the European Union of February 26, 2014 “On the issuance of territorial licenses for the use of musical works on the Internet in the domestic market and on copyright and related rights” is to ensure a high level, transparency and accountability of management [9].

An organization managing property rights on a collective basis is obliged to provide the following information to a specially authorized state body:

- on amendments to the Charter of the organization;
- on the bilateral and multilateral agreements that the organization concludes with foreign organizations that manage similar rights;
- on the decisions of the General Meetings;

- annual balance sheet, an annual report that includes information on unclaimed contributions and an audit of the organization's activities;
- the surname, first name and patronymic of the persons authorized to act on behalf of the organization.

In my opinion, it is necessary to mention the connection with the territory as the main problem faced today by organizations that manage property rights on a collective basis. In particular, according to S.B. Breus, it is possible to preserve the absolute rights to the principle of territoriality in relation to the work, but its use in a territory other than the one in which this right is practiced creates certain problems [10].

At the same time, it should be said that some platforms and networks have developed their own copyright protection rules that apply regardless of the principle of territoriality. This aspect is considered beneficial for copyright holders and plays an important role in preventing various formalities related to each system of rights and the principle of territoriality.

According to M.F.Radaykin, the fact that copying and distributing information has become much easier, anonymous participation in the exchange of information on the Internet has raised a number of difficult questions for legal science, the process of lawmaking and judicial practice, as well as the answers to them. It has not been fully received to this day. The legal regulation of relations related to the use of works on the Internet lags behind the development of digital and computer network technologies in modern conditions [11].

At the same time, answering the question of whether there are international documents related to the protection of copyright and related rights in the digital environment, the "Internet agreements" of WIPO should be noted. It was these international documents that served as the basis for the reform of legislation in the field of copyright and related rights in many countries (in particular, in Uzbekistan).

In the modern era, when the sphere of use of musical and audiovisual works is growing very rapidly, it is extremely important for copyright holders to receive remuneration appropriate to their work, and for users - the convenience of using works legally. For this reason, it is necessary to strengthen not only technical measures in this regard, but also to harmoniously adapt the activities of organizations that manage property rights on a collective basis to changes. In my opinion, WIPO also holds a special place in this regard. The reason is that this international organization should pay special attention to issues related to the management of copyright and related rights in the digital environment, taking into account modern technical and economic changes and the application of law enforcement practices of developed countries in relation to the legislation and judicial practice of other participating countries. Indeed, as a result of the development of information technologies, new methods and tools for their use are emerging, as well as methods related to their use in various business models. Within the framework of such processes, organizations managing property rights on a collective basis should also carry out their activities in a flexible format.

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