

Personal Non-Property Rights In Copyright

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Abstract

This annotation explores the concept of personal non-property rights within the framework of copyright legislation in Uzbekistan. The analysis delves into the legal provisions and regulations that govern the protection of personal non-property rights of authors and creators in the realm of intellectual property law. By examining the specific statutes and guidelines outlined in Uzbekistan's copyright legislation, this annotation aims to provide a comprehensive understanding of the rights granted to individuals in relation to their creative works. Additionally, it highlights the significance of safeguarding personal non-property rights as a means of upholding the integrity and dignity of authors while fostering a conducive environment for innovation and artistic expression within the Uzbek legal context.

Keywords: Copyright, moral rights, copyright legislation, Uzbekistan, intellectual property, author protection, creative works, innovation, artistic expression

INTRODUCTION

Globally, ensuring the protection of intellectual property, including copyright, and strengthening its protection are important guarantees of economic development and increasing the investment attractiveness of the country. Therefore, in the following years, copyright laws were adopted in all States.

Large-scale reforms are being carried out in the field of defense. In particular, this indicates the growing need to ensure the rights and legitimate interests of creators and to seek fair payment of royalties, to prevent unauthorized use of works, their appropriation and to tighten appropriate liability measures in relation to such cases, as well as to ensure the protection of copyrights and related rights on the Internet. In the economies of the developed world, copyright and related rights have already become a major profitable industry. Based on this, scientific research is currently underway in the field of improving modern legal mechanisms for copyright protection.

Copyright is assessed as the legal basis for the possibility of human creativity and an important part of intellectual property.

In accordance with article 53 of the new version of the Constitution of the Republic of Uzbekistan, everyone has the right to freedom of scientific, technical and artistic creativity, access to cultural achievements. Intellectual property is also protected by law.

The Law of the Republic of Uzbekistan dated July 20, 2006

The Law on Copyright and Related Rights is the main regulatory legal act in the field of copyright. This Law evaluates a number of issues on a legal basis, such as the concept of copyright, the presumption of authorship, objects of copyright, copyright agreement, personal non-property and property rights of the author. The issue of copyright is also covered in the relevant articles of the Civil Code of the Republic of Uzbekistan.

However, at the international level, the Berne Convention for the Protection of Literary and Artistic Works is the main legal document on copyright.

The Convention provides authors, such as writers, musicians, poets, artists, etc., with tools with which they can control how, by whom and under what circumstances their works are used. It is based on three main directions (national regime, independence of protection, automatic protection) and includes one defining the minimum level of protection

It includes a number of rules, as well as special laws for developing countries that want to use them.

The work created by the author is his property. Where the dialogue concerns property rights, the law begins to take effect. Copyright is a civil law that regulates relations in the field of the use of intellectual property and regulates the behavior of equal persons. The creator of any work is a subject, and the result of his intellectual activity is an object of copyright.

It does not matter whether the creative product is placed on paper or electronic media. In any case, it is copyrighted. Thus, all text, audio, photo and video materials presented on the Internet are ideal works and are protected by law. In fact, copyright infringement on the Internet is the most common, widespread and difficult to prove fact.

The concept of copyright guarantee:

- Authentication of the author and the unreasonableness of unreasonable work requirements;
- a identification of authorized persons and conditions of publication of the work;
- a protection of the rights of owners and proprietors;
- legal protection of these rights.

As we have already said, copyright law is the right to receive income:

1. The creative product is the personal property of the author. He will understand this spontaneously and win.
2. The Creator has the right to transfer the rights of third parties for commercial use to another person. In this case, he gets a reward.

Personal rights have no expiration date, are inalienable and separable and cannot be transferred to anyone and in any case:

1. The author is guaranteed the right to maintain his confidentiality or publish it.
2. The author may at any time refuse to distribute the work, which will be transferred to law enforcement agencies. At the same time, he is obliged to reimburse expenses and reimburse losses.
3. The author has the right to sign the work with his name, publish it anonymously or use a pseudonym.
4. Copyright remains unchanged. The name of the creator is protected by law. It is prohibited to publish a work with the indication of another person by the author.
5. Any creative product is inviolable. (You can not add annotations to the text, you can add a prologue or epilogue).
6. Prohibition on discrediting, changing and falsifying the reputation and name of the author.

To avoid "virtual piracy", you need to do the following: purchase of licensed products; a use of free resources provided by information channels; Use of resources that have become publicly available and with the help of the text of the sentence, a link to the work and the author is displayed.

Private property rights are the foundation of human freedom and economic well-being. These are legitimate human rights to own, use and dispose of their personal property, which may include tangible assets such as real estate, vehicles and furniture, as well as intangible assets such as intellectual property and financial assets. These rights are important for our daily lives and are protected by various laws and constitutional provisions.

The concept of private property rights has a long and complex history, dating back to ancient times. For example, in Ancient Greece, ownership of property was limited to certain categories of citizens, whereas in Rome, ownership was granted to both citizens and non-citizens. However, it was only in the Middle Ages that the concept of private property rights began to take shape.

In feudal times, land ownership was concentrated in the hands of a small group of nobles, the absolute majority of the population were peasants who worked on the land, but did not own it. However, in the 16th and 17th centuries, with the growth of capitalism and the growth of trade, the idea of private property rights strengthened.

In England, the 17th-century philosopher John Locke developed a theory of property rights based on the idea that people have a natural right to the fruits of their labor.

Locke believes that people have the right to own and own property through their labor and industry, and this right is protected by law. This idea formed the basis of the concept of private property in many Western countries, including the United States.

In the United States, private property rights are protected by the Constitution, which guarantees that no one can be deprived of life, liberty or property. The Fifth Amendment to the Constitution also implies that the Government receives private property for public needs, but only with compensation.

Property ownership is also protected by state laws, which vary from state to state. However, in general, these laws provide for the protection of personal property rights, including the right to own, use and dispose of property.

One of the main signs of the right of private property is the right to exclude others from using or owning their property. This means that individuals have the right to prohibit the use or possession of their property by others without their permission. For example, a homeowner has the right to

prohibit unauthorized access to his property, and an entrepreneur has the right to prohibit unauthorized use of his intellectual property by anyone.

However, the right to exclude others is not absolute. In some cases, the Government may violate this right, for example, in the case of a recognized domain that allows the State to acquire private property for public needs, or in zoning laws governing the use of property in certain areas. Another important aspect of private property law is the right to transfer property to other persons. This means that individuals have the right to sell, lease or transfer their property to others. This right is protected by a contract that provides for the transfer of ownership from one party to the other.

In addition to tangible property, individuals also have personal property rights to intangible assets such as patents, copyrights and trademarks. These rights protect the ownership of ideas and creative works, and they are necessary for innovation and creativity in many fields.

Personal property rights are the legitimate rights of a person to his property or possessions. These rights include the right to use, sell or dispose of their property in any way they deem appropriate. Personal property includes tangible items such as cars, furniture, and clothing, as well as intangible assets such as stocks, patents, and copyrights. In this article, we explore the history of private property rights, their significance and the legal protection offered to those who enjoy these rights.

History of personal property law

The concept of personal property rights dates back to ancient times when people began to own and own property. For example, in ancient Rome, property rights were closely related to citizenship, and only Roman citizens owned property could have. However, with the development of trade and Commerce, property ownership became more common, and the right to personal property became an important part of legal systems around the world.

The English common law system, which formed the basis of legal systems in many English-speaking countries, recognized the right to personal property as early as the 12th century. Magna Carta, signed in 1215, defended personal property rights, stating that "no freemen shall be arrested, imprisoned, charged, not found out of law, cannot be exiled or destroyed in any way, we shall not go to and send to him, only if it is legal. judgment of peers or the law of the country".

During the Industrial Revolution, personal property rights became more acute as people began to accumulate wealth through business and Commerce. With the growth of the middle class, the importance of protecting personal property rights grew. Today, the right to personal property is considered the main human right and is protected by laws and regulations in the countries of the world.

The importance of personal property rights

Individual property rights are important because they provide individuals with the legal protection they need to own and control their property. Without these rights, individuals could not purchase, use, or dispose of property as they saw fit. This can lead to a number of negative consequences, such as a decrease in economic growth, an increase in poverty and a restriction of personal freedom.

Personal property rights also play an important role in promoting innovation and creativity. The ability to own and Control intellectual property, such as patents and copyrights, encourages people to create new inventions and works of art. Without personal property rights, there will be no less

incentive to spend time and resources on creating new things that can limit human development and innovation.

Legal protection of personal property rights

Personal property rights are protected by a number of legal protections, including constitutional rights, laws, and general laws. In the United States, personal property rights are protected by the Fifth Amendment to the Constitution, which states that no one can be "deprived of life, liberty, or property without proper law; also, private property is not taken for public needs", simply without compensation."This amendment ensures that individuals are not arbitrarily deprived of their property without legal proceedings and compensation.

In addition to constitutional protection, personal property rights are also protected by state and federal laws. For example, the Uniform Commercial Code (UCC) is a set of laws governing the sale of goods and other commercial transactions. UCC provides individuals with legal protection when buying and selling property, including the right to fulfill contracts, guarantees and other legal contracts.

Personal non-title rights in copyright are mainly related to the artist's legal attitudes and interests in relation to his works. These rights, as the author of his works, are aimed at protecting the spiritual and social values of the individual. Individual non-specific rights include the following elements:

1. Attribution rights (the right of familiarity to authorship) are the right of an author to associate his work with his name and ensure his recognition as an author.
2. The right to hide the title of the work as an author or print it under a pseudonym - the author has legal permission to publish his work anonymously or pseudonymously (pseudonym name).
3. The right to authorize or prohibit actions that are carried out as an auteur of a work in the form of amendments or in another form.
4. The right to allow or prohibit the use of a work in combination with other creative works.
5. The right to refer to his work before the publication of his work and to verify its readiness for the press.

Individual non-nominal rights do not have temporary restrictions, and they are kept for the life of the author. Individual non-nominal rights do not include financial rights, since they are not related to the financial use of the author's works. Personal non-title rights in copyright can remain as an inheritance to the legal heirs of the author, but are limited in duration and are determined precisely by the conditions.

Legal relations related to personal non-personal rights in copyright, as the author of his works, consider ensuring the rights and interests of the individual, as well as responsibility for the content and dissemination of his works. These rights protect the important spiritual values associated with the author's works.

Copyright is a legal system created with the aim of protecting the intellectual finances of the creator and controlling its use. This system, being personal non-title rights and financial rights in copyright, is formed on two sides. This is personal in copyright in analytical material.

I will try to give more complete information about legal relations related to non-legal rights.

Personal non-personal rights are associated with his legal and spiritual relations with respect to the author's works. They, as the author of the author's works, are aimed at protecting his social and spiritual values. Individual non-financial rights, unlike financial rights, are not related to obtaining financial benefits from the author's works.

Legal procedures related to personal non-personal rights in copyright are rules and regulatory documents aimed at protecting the spiritual values and legal interests of an individual as the author of his works. These procedures provide for the Coordination of legal relations with respect to the content, dissemination and legal responsibility of the author's works.

Legal procedures related to individual non-specific rights include the following.

Copyright laws and regulatory acts: laws and regulatory acts of each country related to copyright, form the basis of legal procedures related to personal non-specific rights. This is important for the study of laws and documents, authors, since they help to know and protect their rights and interests.

Copyright contracts: copyright contracts, which are the main means of legally coordinating the author's personal non-title rights, are aimed at determining the legal relationship between the author and other parties (publishers, producers, distributors). These treaties address the rights of the author to use his or her works, the requirements for the work to be altered or the writer's participation, and other legal issues.

Legal consultation and protection: authors may seek advice from legal consultants or representatives to understand their personal non-property rights and enforce them. These consultants help to solve the legal issues of the author's works and, if necessary, to protect the rights of the author in the judicial system.

Cooperation with state and international organizations: legal copyright procedures require cooperation with state and international organizations.

In accordance with Article 18 of the law "on copyright and related rights", the personal non-personal rights of the author are transferred from his property rights regardless of its belonging, the exclusive rights to the use of the work it remains in itself even if transferred to another person. Also, the agreement of the author with any person about the refusal to exercise his personal non-property rights and his application for this is considered invalid in itself.

Importance and features of individual non-specific rights

Personal non-personal rights (SNH) are fundamental human rights, which are related to a person in relation to his personal life, freedoms and security. A personal non-personal right gives a person the opportunity to live, express an opinion, change his religion and title, and have several other rights. In this analytical material, we will talk in detail about what is expressed in the personal non-personal right and what ways exist to protect them.

A personal non-exclusive right ensures that each person has a right and a right, and they give all people additional opportunities. The main purpose of personal non-personal law is to protect personal freedom, ensure human security and control rights in a fair form. These rights will consist of:

The right to life: a personal non-personal right allows you to protect a person's life and protect himself from harmful and harsh situations.

The right to freedom: this right, in addition to the desire of a person, allows him to achieve the realization of his opinion, understanding, sending messages, attending events and other activities.

Freedom of religion and conscience: a personal non-denominational right ensures a person's right to choose and pray according to the religion and denomination they want. It is strictly forbidden to come against a person's own conscience.

The right to information and expression: this right, in addition to the desire of a person, allows you to achieve the expression of one's own opinion, sending messages and seeing information. This right is also distributed for all media, magazines, books and other sources of information.

A number of other rights: these rights can include the achievement of work activities, the achievement of household services, the protection of private life, the achievement of family life and other rights.

Individual non-nominal rights are independent of property rights, and in the first half of the 20th century, scientists recorded from Tomini: a mutual one that exists between the author and his work and does not disappear during the life of the author spiritual intimacy and attachment have made the work an indispensable personal property of the author. As stated in Article 6 of the Berne Convention: "regardless of the property rights of the author and after these rights have been granted, the author has the right to demand the recognition of the authorship of his work and to oppose any violation or other modification that may harm the honor and dignity of the author of this work, as well as to oppose any other".

We can also see in international experience the view of individual non-specific rights. For example, French copyright legislation addresses the spiritual rights of an individual. The right to respect the name, authorship and work of the author is eternal and inseparable.

Under the laws of the United Kingdom, the right to be recognized as an author and to oppose the discriminatory treatment of human dignity is what the UK treats them in accordance with copyright law in any case, economic rights are preserved if they exist.

A special place is also occupied by the right to the name as the personal non-title rights of the author. The content of this right is reflected in Article 1053 of the Civil Code of the Republic of Uzbekistan ha 18 of the law "on copyright and related rights" of 1996, which is manifested in the fact that the author is given the right to issue a work under what name it is used. The author has a special right to use the work with or without a signature, indicating his name, pseudonym, or to allow it to be used in this way. He has the right to publish, reflect and distribute his work in all the ways that the law allows, under his own name, with a conditional name i.e. with a pseudonym or without specifying the name. From this in addition, no one has the right to make changes to the author's choice of such a name".

Article 18 of the law "on copyright and related rights" covers the individual non-personal rights of the author in batfasil. These rights include:

right to be recognized as the author of the work (copyright);

the right to use or use the work without specifying the author's real name, pseudonym, or without specifying his name, that is, without a signature (right to the copyright name);

the right to allow the disclosure or disclosure of a work in any form (right to disclosure), including the right to recall;

the right to protect the work, including its title, from being distorted or in any other way encroached on the author's honor and dignity in any way possible (the right to protect the author's reputation).

The author has the right to renounce (the right to recall a work) from his previously made decision to disclose the work, to persons who have received the right to use the work, provided that they compensate for the losses caused by such a decision, including The Lost Profit. If the work is revealed, the author is obliged to make it known to the public about his recall. In doing so, he has the right to withdraw previously prepared copies of the work from circulation at his own expense. These do not apply to works of service unless the contract with the author provides for a different provision.

The publication, public performance, or use of the work in a different way allows any amendment to the work itself, its name, and the indication of the author's name only with the author's consent.

Without the consent of the author, it is forbidden to publish his work with decorations, preface, conclusion, comments or any explanations.

The author's personal non-title rights belong to him, regardless of his property rights, and remain in him even if the exclusive rights to the use of the work are transferred to another person.

One of the most important rights of the author is the right to disclose the work. The author only as a result of the publication of the work expresses himself to the public that he wrote the work and is able to recognize from everyone that he is the author in relation to this work. Consequently, the author's right to publish a work has personal legal roots. Again, it should be remembered that when the author announces his work, he does not always set himself the goal of seeing a property interest.

There is also a right to the inviolability of the work, which means that it is impossible to make further and changes to all parts of the work, including the author's name, the title of the work, the preface, the content, the wife. Without the consent of the author, his work with decorations, it is forbidden to publish with a preface, upon arrival, comment or any explanation.

CONCLUSION

The digital environment, the internet, is a means of communication used by many people today. Through the Internet, people get to know message diamonds around the world, communicate with other people, use various services and also perform trading practices.

But, in the collaboration of this extended use, it is very important that copyright is externalized on the internet.

Copyright is a legal concept that protects the material and moral rights of a person who created a structured object. Content materials, texts, images, videos, music, and more of any type on the internet cannot be used without the copyright holder's permission.

Copyright violations on the internet can deliver significant damages to creators and even impact their lives. Therefore, it is necessary for internet users to respect their copyright and have good control over their content about copyright.

Thus, internet users come to copyright against security and when it will be from violation. For this purpose, there are a number of legal covers. In order to prevent copyright violations on the internet, internet users must discuss procedures for using, editing, moving, and distributing their content under copyright.

One of the best ways to correct copyright violations on the internet is to apply to a court where the copyright holder has requested permission or may own the same object. In these cases, it must be

confirmed that the explanatory material has been accepted by the creator or used by them in a different order.

In addition, internet users will also want to maintain the security of their personal data.

Copyright protection in the digital environment is a topic that is currently very important. Along with the widespread use of the internet, telif rights violations are also increasing. Therefore, it is very important to protect the rights of people who own telif rights and to prevent internet users from violating telif rights.

Telif law is a legal concept that protects the material and spiritual rights of the creator of a work. Any content found on the Internet includes material, texts, pictures, videos, music, etc. Telif rights violations on the internet can have a bad effect on the creators of the work and can also affect their lives.

Therefore, internet users should respect telif rights and not have their content in a manner consistent with telif rights. Otherwise, the telif rightsholder has the opportunity to obtain his rights by gaining legal paths. Telif rights violations, in addition to causing financial damage to the creators of the work, can also cause moral damage. Therefore, telif rights violations are very serious and it is necessary to act at the right time to prevent them.

In addition, it is also necessary for internet users to protect their personal information. On the internet, the collection and observation of personal information is becoming very widespread. Therefore, users must carry out various protection measures to ensure the protection of their personal information. These measures include issues such as the use of strong passwords, the use of trusted internet sites, and the restriction of personal information.

As a result, copyright protection is very important in the digital environment. Internet users must take the necessary measures to protect telif rights and protect their personal information.

References

1. Abdikhakimov I. QUANTUM SUPREMACY AND ITS IMPLICATIONS FOR BLOCKCHAIN REGULATION AND LEGISLATION //Oriental renaissance: Innovative, educational, natural and social sciences. – 2024. – T. 4. – №. 1. – C. 249-254.
2. ABDURAKHMANOVA, Nodirakhon. "Legal Regulation of Smart Contracts." *Periodica Journal of Modern Philosophy, Social Sciences and Humanities* 21 (2023): 64-65.
3. ABDURAKHMANOVA, Nodirakhon. "Legal Regulation of Smart Contracts." *Periodica Journal of Modern Philosophy, Social Sciences and Humanities* 21 (2023): 64-65.
4. Ferreira A. Regulating smart contracts: Legal revolution or simply evolution? //Telecommunications Policy. – 2021. – T. 45. – №. 2. – C. 102081.
5. Szabo N., Smart contracts in *Essays on Smart Contracts, Commercial Controls and Security*, 1994, electronic resource: <http://www.fon.hum.uva.nl/rob/Courses/InformationInSpeech/CDROM/Literature/LOTwinterschool2006/szabo.best.vwh.net/smart.contracts.html>, last seen: 04.03.2022

6. Ugli M. B. M. Contractual-Legal Regulation Of Foreign Banks' Activities. INTERNATIONAL SCIENTIFIC AND CURRENT RESEARCH CONFERENCES, 1 (04), 30–33. –2021
7. Абдурахманова Н. Вопросы регулирования и внедрения смарт-контрактов в национальное законодательство //Общество и инновации. – 2022. – Т. 3. – №. 11/S. – С. 170-178.
8. Мукумов Б. Перспективы развития модели «Умного регулирования» //Современные тенденции развития цифровизации в сфере юстиции. –2022. –Т. 1. –№. 1. –С. 75–78.
9. Хужаев Ш. Совершенствование правовых механизмов регулирования банковских услуг //Общество и инновации. – 2020. – Т. 1. – №. 1. – С. 97-106.
10. Nazira T. Intellectual property and blockchain technologies for the implementation of crisis European and state operations.
11. Туракулова Н. СТАРТАП ЛОЙИҲАЛАРИНИ ТУЗИШ ВА МОЛИЯЛАШТИРИШ ТАРТИБИ: ДАВЛАТ ВА НОДАВЛАТ НУҚТАИ НАЗАРИДАН //Ижтимоий-гуманитар фанларнинг долзарб муаммолари/Актуальные проблемы социально-гуманитарных наук/Actual Problems of Humanities and Social Sciences. – 2023. – Т. 3. – №. 7. – С. 225-232.
12. Туракулова Н. Деятельность в области защиты авторских прав в Узбекистане: защита авторских и смежных прав Республики Узбекистан //Укрепление правовой базы кооперативов как фактор социально-экономического развития. – 2022. – Т. 1. – №. 1. – С. 119-124.