

## **PENALTIES FOR VIOLATION OF PROPERTY RIGHTS NEW IN THE FORM OF PLAGIARISM IN UZBEKISTAN**

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### **ANNOTATION:**

**The article examines the problem of prosecution for copyright infringement (plagiarism) with the use of financial sanctions. The aim of the study is to identify the specific features of administrative liability, criminal liability, as well as civil liability for copyright infringement and their analysis from the standpoint of improving applied issues.**

**Key words: administrative responsibility, copyright, copyright protection, civil liability.**

### **Introduction:**

Authors of works created by their creative work are the main owners of copyright. The purpose of copyright is to protect and defend the rights and interests of author's works of science, literature and art, as well as the works themselves from various encroachments. One of the main legal documents in the field of copyright is the Law of the Republic of Uzbekistan "On Copyright and Related Rights" dated July 20, 2006 [1]. Since 2004, Uzbekistan has been a party to the Berne Convention for the Protection of Artistic and Literary Works. There are a number of bilateral agreements aimed at protecting copyright and related rights [2]. One of the copyright infringements is plagiarism. The meaning of the word plagiarism is rooted in Roman law from the Latin words plagio - I kidnap and plagium litterarium - theft of literary property. In jurisprudence, plagiarism is understood as

deliberate acts of misappropriation of authorship on someone else's work of literature, art or science, entailing civil, administrative and even criminal liability. Most often, plagiarism finds its expression in attribution of authorship to other people's results of intellectual work by publishing them under their own name. Plagiarism is also possible in the partial use of someone else's work or quoting without reference to the source. Plagiarism can also be considered illegal actions to coerce co-authorship. For plagiarism, the publication of the created work is not necessary, it is enough to find it in any objective form, for example, in the form of a manuscript or as part of another work. The main and obligatory sign of plagiarism is attribution of authorship to a work.

Protection of exclusive rights to the results of intellectual activity is carried out by filing a claim for violation of rights and filing claims for compensation for harm, etc.

In case of violation of the exclusive right, the copyright holder has the right, instead of compensation for losses, to demand from the violator the payment of compensation for the violation of this right. Compensation is subject to recovery upon proof of the fact of an offense. The amount of compensation is determined by the court within the limits established by the Code, depending on the nature of the violation and other circumstances of the case. The rightholder has the right to demand compensation from the violator for each case of unlawful use of the result of intellectual activity or means of individualization, or for the

committed offense in general. The approach of O.E. Leist, who considers responsibility as the implementation of a sanction for an offense is very famous [3]. At the same time, other researchers rightly note that responsibility is not limited to the implementation of a sanction, since it can exist without it, but a sanction is always based on responsibility and cannot be applied without it [4].

Amendments have been introduced to the Code of Administrative Responsibility of the Republic of Uzbekistan, which provide for penalties for violation of copyright and related rights.

On May 2, 2019, the President of the Republic of Uzbekistan signed the law "On Amendments and Additions to the Criminal, Criminal Procedure Codes of the Republic of Uzbekistan and the Code of the Republic of Uzbekistan on Administrative Responsibility" [5]. In particular, amendments to the Code of Administrative Responsibility were aimed at strengthening the protection of intellectual property rights.

Article 177 of the Code of Administrative Responsibility of Uzbekistan in the new edition now covers the illegal use of someone else's trademark, service mark, appellation of origin of goods or confusingly similar designations for homogeneous goods (services) or illegal use of someone else's brand name. The fine for these violations has also been increased and is for citizens from five to ten, and for officials - from ten to twenty basic calculated values. The same offenses committed repeatedly within a year after the application of an administrative penalty entail the imposition of a fine on citizens from ten to twenty, and on officials - from twenty to thirty basic calculated values [6].

The new article 177-1 of the Code of Administrative Responsibility (violation of copyright and related rights) entails the imposition of a fine on citizens from one to five, and on officials - from five to ten basic calculated

values with confiscation of counterfeit copies of works and objects of related rights, and also materials and equipment used for their reproduction and distribution, and other instruments of the offense.

The same offenses committed repeatedly within a year after the application of an administrative penalty entail the imposition of a fine on citizens from five to ten, and on officials - from ten to twenty basic calculated values with confiscation of counterfeit copies of works and objects of related rights, as well as materials and equipment used for their reproduction and distribution, and other instruments of the offense. Counterfeit copies of works and objects of related rights, as well as materials and equipment used for their reproduction and distribution, and other instruments of committing an offense are confiscated.

The Code of Administrative Responsibility of Uzbekistan has also been supplemented with Article 177-2 - violation of rights to an invention, utility model and industrial design. Unauthorized manufacture, use, import, offer for sale, sale, other introduction into civil circulation or storage for this purpose of a product or article containing a corresponding patented invention, utility model, industrial design, as well as the use of a method protected by a patent for an invention, or introduction in civil circulation or storage for this purpose of a product made directly by the method protected by a patent for an invention entails the imposition of a fine on citizens from five to ten, and on officials - from ten to twenty basic calculated values.

The same offenses committed repeatedly within a year after the application of an administrative penalty entail the imposition of a fine on citizens from ten to twenty, and on officials - from twenty to thirty basic calculated values [7].

The Criminal Code of the Republic of Uzbekistan also contains penalties for violation

of copyright or inventive rights. In particular, according to Article 149, attribution of authorship, coercion to co-authorship on objects of intellectual property, as well as disclosure without the consent of the author of information about these objects before their official registration or publication is punishable by a fine from twenty-five to seventy-five basic calculated values or deprivation of a certain right up to five years, or compulsory community service up to three hundred and sixty hours or correctional labor up to three years [8].

Despite its relative novelty, the problem of countering copyright infringement is becoming increasingly important in the legal support of the functioning of a full-fledged civil circulation of the results of intellectual activity in our country. The fact is that in connection with the development of information and communication technologies, objects of copyright are increasingly acquiring the character of the most important intangible asset of the state economy. I would like to note that the main purpose of copyright protection is to contribute to the enrichment and dissemination of the national cultural heritage. Copyright is a prerequisite for the development process. The full promotion of creativity is one of the basic prerequisites for social, economic and cultural progress. In order for scientists to realize their abilities and contribute to the development of society, they need to create favorable conditions. The author who created the work must be sure that his creation will be reliably protected and he will receive a fair remuneration for his work. In this regard, an important function of the state is to ensure the legal protection of copyright objects. Such laws

must be effective and rigorously enforced, i.e. working mechanisms of copyright protection are needed.

#### **LITERATURE:**

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