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SHAPING THE FUTURE OF COPYRIGHT IN UZBEKISTAN: COMPARATIVE LESSONS FROM THE AMERICAN EXPERIENCE

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ABSTRACT

Across the past two decades, Uzbekistan has made meaningful progress toward a modern copyright regime. The 2006 Law on Copyright and Related Rights, the country's entry into the Berne Convention and the WIPO treaties, and a sustained reform program in recent years together point in a clear direction. Even so, the task is unfinished. Digital life has outpaced the tools available to enforce rights, and a great many Uzbek authors remain unsure how to safeguard what they create online. This paper is offered in a spirit of patient learning. Writing as an Uzbek lawyer studying intellectual property at Penn State Law, I have examined closely how the United States manages digital copyright—what it does well, where it falls short, and what it has to teach. The paper sets the two systems carefully alongside one another and poses a straightforward question: which features of the American experience could help Uzbekistan advance? It puts forward five practical, good-faith reforms—a notice-and-takedown procedure, a repeat-infringer rule for online platforms, an accreditation scheme for collective rights organizations under Article 56 of our Copyright Law, a shared public system for protecting works online, and an early, considered framework for artificial intelligence. Not one of these reforms asks us to set aside our legal traditions. Each simply supplies the working tools our authors and creators require.

Keywords: Uzbekistan, copyright reform, digital media, DMCA, comparative law, collective management, artificial intelligence.

I. INTRODUCTION

Every law student who studies abroad comes home carrying new questions. Mine took shape over long evenings spent with American copyright decisions at Penn State Law, and in the warm memory of debates at Tashkent State University of Law about how to protect creative work in a country still constructing its digital future. Uzbekistan has accomplished much in a brief span. We possess a substantive copyright statute,[1] we belong to the Berne Convention[2] and the WIPO treaties,[3] and our reform efforts are genuine. Yet recent work by colleagues at home indicates

[1]Law of the Republic of Uzbekistan on Copyright and Related Rights, No. ZRU-42 (July 20, 2006, as amended through 2021). Recent amendments are recorded in the National Legislative Database at Lex.uz.

[2]Berne Convention for the Protection of Literary and Artistic Works, Sept. 9, 1886, as revised at Paris July 24, 1971, 1161 U.N.T.S. 3. Uzbekistan joined the Convention in 2005.

[3]WIPO Copyright Treaty, Dec. 20, 1996, S. Treaty Doc. No. 105-17.

that copyright disputes are on the rise,[4] and that many of our authors remain uncertain about how to assert their rights online. Two realities therefore coexist: a system that is truly maturing, and a set of practical gaps that still await our attention.

This paper is not an indictment of Uzbek law. It is, I hope, a modest contribution to its development. The United States is hardly a flawless model, and I do not hold it out as one. But it has wrestled with digital copyright for nearly three decades, and that history yields something valuable: a body of design ideas that have been tried, refined, and at times corrected. We can examine those ideas, adopt what suits our legal tradition, and set aside what does not.

In what follows, I begin with an approachable survey of how the United States handles digital copyright. I then describe Uzbekistan's present position, with respect for the work already accomplished. A brief comparative section sets the two systems side by side. A separate part turns to artificial intelligence, an emerging concern shared by every legal order. The closing section offers five practical proposals for Uzbekistan, each rooted in the American experience yet adapted to our own circumstances and our own ways of working.

II. AN APPROACHABLE SURVEY OF THE U.S. SYSTEM

A. The Broad View

American copyright law traces back to a clause of the United States Constitution empowering Congress to promote progress in the arts and sciences. Its leading modern statute is the Copyright Act of 1976,[5] which confers on authors a familiar bundle of rights: to reproduce their work, to prepare new versions of it, to distribute it to the public, and the like. On paper these rights closely resemble those an author enjoys under Article 17 of our own Copyright Law.[6] The sharper divergence lies in how the American system treats exceptions.

Where our statute enumerates specific permitted uses in Article 26,[7] the American approach turns on a single, elastic concept known as "fair use," codified in Section 107.[8] Fair use is not a catalogue of approved uses; it is a balancing inquiry that courts apply case by case, weighing four factors. The Supreme Court's 1994 ruling in Campbell v. Acuff-Rose Music introduced the notion that a use which meaningfully transforms a work is likelier to qualify as fair.[9] This open-ended design is a strength, since it can accommodate new technologies without fresh legislation

[4]Javohir Eshonqulov & Maftuna Sultonova, Digital Media and Copyright: Legal Disputes and Agreements, 5 Int'l J. Artificial Intelligence 1149 (2025). This article draws thoughtfully on their findings and builds on the comparative direction they suggest.

[5]Copyright Act of 1976, 17 U.S.C. §§ 101–1401.

[6]Uzbek Copyright Law, supra note 1, art. 17.

[7]Id. art. 26 (listing the specific permitted uses, following the civil-law tradition).

[8]Copyright Act of 1976, 17 U.S.C. § 107. The four factors are the purpose of the use, the nature of the work, the amount used, and the effect on the market for the original.

[9]Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569, 579 (1994).

each time. It is also a burden, because it loads great responsibility onto judges and leaves creators and users with a measure of uncertainty.

B. The Digital Millennium Copyright Act

The most consequential American statute for the digital era is the Digital Millennium Copyright Act of 1998, commonly called the DMCA.[10] Its purpose was to let online platforms flourish while still safeguarding authors' rights. At its core sits a cluster of "safe harbors" in Section 512 of Title 17.[11] A safe harbor is a shelter from liability: a platform that observes certain rules cannot be sued over what its users do. In exchange, the platform must do its share to assist authors when their rights are violated.

C. The Notice-and-Takedown Process

The DMCA's best-known feature is notice-and-takedown. When an author discovers her work used without permission on a platform, she may send a written notice requesting removal of the material.[12] The platform must act promptly. If the user who posted the material believes the use is lawful, she may submit a counter-notice, and the material can be reinstated should the rightsholder decline to sue. The system is imperfect—legitimate content is sometimes taken down by mistake—but it functions at enormous scale and has let creators worldwide enforce their rights on global platforms.

D. A Handful of Important Decisions

American courts have given these rules their shape through case law. In Viacom v. YouTube, the Second Circuit held that platforms must know of specific infringing material, not merely sense that infringement occurs online in general.[13] In BMG v. Cox Communications, the Fourth Circuit stressed that a platform must genuinely enforce its repeat-infringer policy rather than simply put it in writing.[14] And in Lenz v. Universal Music, the Ninth Circuit asked rightsholders to weigh fair use before dispatching takedown notices—a small but real safeguard for ordinary users.[15] Taken together, these cases sketch a deliberate balance: authors gain tools to defend their

[10]Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860 (1998).

[11]17 U.S.C. § 512(c). The provision creates a careful balance between the interests of creators, platforms, and users.

[12]Id. § 512(c)(3) (the form of a takedown notice); id. § 512(g) (the counter-notice process).

[13]Viacom Int'l, Inc. v. YouTube, Inc., 676 F.3d 19 (2d Cir. 2012). The decision is widely regarded as the moment that gave user-generated content platforms the legal stability they needed to grow.

[14]BMG Rights Mgmt. (US) LLC v. Cox Commc'ns, Inc., 881 F.3d 293 (4th Cir. 2018).

[15]Lenz v. Universal Music Corp., 815 F.3d 1145 (9th Cir. 2016). The case is often cited for the proposition that rightsholders should consider fair use before issuing takedown notices—a small but meaningful protection for ordinary users.

rights, platforms gain a route to operate at scale, and users gain some protection against over-removal.

III. WHERE UZBEKISTAN STANDS TODAY

A. A Sound Foundation

Our Law on Copyright and Related Rights, enacted in 2006 and most recently amended in 2021,[16] is a carefully drafted statute. It grants authors the personal non-property rights—attribution, integrity, the right of disclosure—that anchor the continental copyright tradition, alongside the familiar exclusive property rights.[17] Article 26 lays out the permitted uses of works in the measured, enumerated manner of civil-law systems.[18] Article 56 acknowledges the right of authors, performers, and producers of phonograms to establish bodies that manage their rights collectively.[19] The Civil Code, the Code on Administrative Responsibility, and the Criminal Code each add protections of their own.[20] Read as a whole, this is a substantial body of law, and it reflects the serious labor of many hands.

B. The Gaps That Persist

At the same time, candor obliges us to recognize the gaps. Recent research documents a thirty-percent rise in registered copyright infringement cases between 2020 and 2023,[21] and observes that most authors are still unsure how to defend their rights when their works are copied online. The leading digital platforms active in Uzbekistan have yet to adopt the automated tools—Content ID and comparable fingerprinting systems—that are routine on global platforms. The 2017 presidential decree on strengthening intellectual property protection laid out an ambitious reform agenda,[22] and the work it set in motion continues. There is, in short, momentum. What is lacking is some of the operational machinery that converts substantive rights into everyday protection.

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[16]Law on Copyright and Related Rights, supra note 1, arts. 18–20 (recognizing the personal non-property rights of authors).

[17]Id. art. 17 (granting the exclusive property rights).

[18]Id. art. 26 (enumerating permitted uses in the civil-law style).

[19]Id. art. 56 (recognizing the right of authors and other rightsholders to form organizations that manage their rights collectively).

[20]Civil Code of the Republic of Uzbekistan, arts. 1031–1065; Code on Administrative Responsibility, art. 177(2); Criminal Code, art. 149.

[21]Eshonqulov & Sultonova, supra note 4, at 1151. The thirty-percent figure is reported on the basis of registered case data.

[22]Decree of the President of the Republic of Uzbekistan No. PP-3047 “On Measures for Radical Improvement of the System of Protection of Intellectual Property Rights” (May 4, 2017). The decree set the tone for a reform program that remains ongoing.

C. The Special Case of Collective Management

Article 56 of our Copyright Law[23] permits the formation of collective management organizations, which are vital for distributing royalties from broadcasting, public performance, and online use. Yet there is no consolidated procedure for registering and supervising these bodies, no minimum requirements for their founders or capital, and no central authority responsible for their oversight. Other states have handled this in various ways: Belarus, Singapore, and the Philippines, for instance, all rely on their intellectual property authorities to accredit and supervise collective management organizations. A comparable arrangement in Uzbekistan would reassure authors that their royalties are gathered and distributed transparently.

IV. SETTING THE TWO SYSTEMS SIDE BY SIDE

When the two systems are placed gently next to each other, the most significant observation is also the most heartening. Uzbekistan need not rewrite its copyright law from scratch. The substantive rights we already extend to our authors are on a par with those granted in the United States. The differences are largely procedural and infrastructural—precisely the sort of differences that can be addressed incrementally, in a way that honors our own legal tradition.

The table below distills the principal points of comparison.

Topic	United States	Uzbekistan
Principal statute	Copyright Act of 1976; DMCA (1998)	Law on Copyright and Related Rights (2006, am. 2021)
Approach to exceptions	An open, four-factor fair use test	An enumerated list of permitted uses (Article 26)
Online platforms	Safe harbors paired with takedown rules	No dedicated safe-harbor regime as yet
Takedown mechanism	A detailed statutory process with counter-notice	No statutory process; handled case by case
Repeat infringers	Platforms must adopt and apply a policy	No specific statutory duty
Collective management	Established private bodies under regulatory supervision	Permitted under Article 56; accreditation still emerging
Technology	Private fingerprinting (Content ID and the like)	Not yet common on domestic platforms

[23]Law on Copyright and Related Rights, supra note 1, art. 56.

Artificial intelligence	Live litigation; fair use debate continuing	No dedicated regime; a chance to design with care
Remedies	Civil damages and injunctions; narrow criminal	Civil, administrative, and criminal avenues

A few points emerge from this picture. The American system is organized around procedures: notice, counter-notice, repeat-infringer policy, and so on. These are operational tools more than deep statements of principle, which is part of why they travel so readily across borders. Uzbekistan already holds the underlying principles. Adding the procedures would not alter our identity as a civil-law country; it would merely lend our existing rights more practical force in the digital sphere. A second point is that the American system carries its own weaknesses, and we should be frank about them. The takedown process is sometimes wielded in bad faith. Smaller authors lack the access to enforcement tools that large firms enjoy. The fair-use defense, for all its flexibility, can be costly to litigate. A thoughtful reform program in Uzbekistan can keep the good and decline the troublesome.

V. THE QUESTION OF ARTIFICIAL INTELLIGENCE

Artificial intelligence occupies every legal scholar's thoughts today, and how copyright ought to treat AI training data is among the hardest questions in the field. In the United States, the matter is being resolved through a string of significant lawsuits.[24] The U.S. Copyright Office is likewise issuing guidance on which AI outputs can be protected by copyright at all.[25] The landscape remains unsettled, and clear answers are likely still some years away.

In certain respects this is a hopeful juncture for Uzbekistan. We are not yet so far into AI development that past choices bind us. We can watch the American debates play out, observe how the European Union's text-and-data-mining rules[26] operate in practice, and shape our own framework with care. The aim should not be to copy any single system. It should be to craft rules that respect our authors' work, foster healthy AI research within our borders, and give developers clear guidance so they need not guess at the law.

VI. FIVE PRACTICAL PROPOSALS FOR UZBEKISTAN

[24]See, e.g., Complaint, New York Times Co. v. Microsoft Corp., No. 1:23-cv-11195 (S.D.N.Y. filed Dec. 27, 2023); Thomson Reuters Enter. Ctr. GmbH v. Ross Intelligence Inc., No. 1:20-cv-00613 (D. Del. Feb. 11, 2025).

[25]U.S. Copyright Office, Copyright and Artificial Intelligence, Part 2: Copyrightability (Jan. 2025).

[26]Directive 2019/790 of the European Parliament and of the Council of 17 April 2019 on Copyright and Related Rights in the Digital Single Market, art. 4, 2019 O.J. (L 130) 92. Article 4 includes a text-and-data-mining exception with a rightsholder opt-out.

With deep respect for the work already done, this paper advances five practical proposals. Each grows out of the American experience, yet each is fitted to our own legal culture and our own way of organizing public administration.

A. An Accessible Notice-and-Takedown Procedure

The first proposal is the weightiest: a statutory notice-and-takedown procedure for digital platforms operating in Uzbekistan. The procedure should be simple. It should specify what a takedown notice must contain, set platforms a clear deadline for responding, and protect users by permitting a counter-notice when content is removed in error. The American experience shows that platforms cooperate readily once the rules are plain. The Intellectual Property Agency could administer the procedure and offer gentle guidance to authors and platforms still learning to use it. From the outset we should build in one modest but important safeguard: rightsholders should be asked to consider fair use, or our equivalent enumerated exceptions, in good faith before sending a notice.[27] This shields users without diminishing authors' rights.

B. A Flexible Repeat-Infringer Standard

The second proposal is to introduce a repeat-infringer rule for online platforms. Rather than fix an exact number of warnings, the rule should ask only that platforms maintain a policy, apply it reasonably, and act in good faith. The American cases on this point[28] suggest that flexibility outvalues rigidity. A platform that earnestly tackles repeated infringement should not be penalized over the precise number of strikes it elects to use; a platform that ignores the problem altogether should not be sheltered. Such a standard lends itself well to judicial interpretation over time.

C. An Accreditation Framework for Collective Management Organizations

The third proposal speaks directly to a need our colleagues at home have identified.[29] A government regulation should be adopted, assigning the registration and supervision of collective management organizations to the Intellectual Property Agency. Its requirements can be modest: a minimum number of founders, basic transparency in royalty distribution, and a deadline for paying authors. The point is not to make these organizations hard to create, but to make them trustworthy. When authors trust collective management bodies, they register more works, and the system grows steadily stronger.

D. A Shared Public Infrastructure for Online Protection

The fourth proposal is more ambitious, but it may help our independent creators most. Private fingerprinting systems such as Content ID work well, yet they are open only to

[27] See Lenz v. Universal Music Corp., 815 F.3d 1145 (9th Cir. 2016).

[28] See BMG Rights Mgmt. (US) LLC v. Cox Commc'ns, Inc., 881 F.3d 293 (4th Cir. 2018); Viacom Int'l, Inc. v. YouTube, Inc., 676 F.3d 19 (2d Cir. 2012).

[29] Eshonqulov & Sultonova, supra note 4, at 1152.

rightsholders who clear thresholds set by global platforms.[30] A small photographer in Bukhara, an independent journalist in Samarkand, or a young musician in Tashkent has very few ways to protect her work online. A modest public investment in a shared rights-registration and fingerprinting service—run transparently and on equal terms for every rightsholder—would close this gap. The technology is no longer prohibitively costly. What is needed is institutional will.

E. A Considered, Early Framework for Artificial Intelligence

The fifth proposal is to begin work now, calmly, on a copyright framework for artificial intelligence. The framework should ask AI developers to disclose the categories of works they train on, allow training on lawfully accessible works for non-commercial research, and require authorization for commercial deployment. A rightsholder opt-out, on the European pattern,[31] would honor the wishes of authors who prefer that their works not be used this way. By starting early—before our courts fill with cases—Uzbekistan can offer clarity to creators, researchers, and businesses alike.

VII. CLOSING THOUGHTS

This paper has been written in the spirit of a long conversation between two legal cultures. The United States has spent a generation building, testing, and refining its digital copyright system. Uzbekistan has spent a generation laying the foundations of its own. Both remain works in progress, and each has something to teach the other. The purpose of comparative study, in the end, is not to crown one system above another. It is to ask honest questions and to learn from honest answers.

My hope is that these proposals are received in the same spirit in which they are offered: with humility, with respect for the work already done, and with a quiet confidence that our legal system can keep growing. The authors and creators of Uzbekistan deserve a copyright framework that protects them as fully online as it does in print. Building it will take time. It will take collaboration among scholars, legislators, judges, agency officials, platforms, and creators. It will not happen all at once, and it need not. What matters is that we begin, and that we begin with care.

I am grateful for the chance to think about these questions at Penn State Law, and grateful in equal measure for the legal education at Tashkent State University of Law that prepared me to ask them. The conversation, I hope, goes on.

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[30] Eshonqulov & Sultonova, supra note 4, at 1153 (observing that domestic platforms in Uzbekistan have not yet deployed Content ID–style infrastructure).

[31] Directive 2019/790, supra note 26, art. 4 (providing a rightsholder opt-out from the text-and-data-mining exception).

SELECTED REFERENCES

Cases

1. BMG Rights Management (US) LLC v. Cox Communications, Inc., 881 F.3d 293 (4th Cir. 2018).
2. Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1994).
3. Lenz v. Universal Music Corp., 815 F.3d 1145 (9th Cir. 2016).
4. New York Times Co. v. Microsoft Corp., No. 1:23-cv-11195 (S.D.N.Y. filed Dec. 27, 2023).
5. Thomson Reuters Enterprise Centre GmbH v. Ross Intelligence Inc., No. 1:20-cv-00613 (D. Del. Feb. 11, 2025).
6. Viacom International, Inc. v. YouTube, Inc., 676 F.3d 19 (2d Cir. 2012).
7. **Statutes, Treaties, and Regulatory Materials**
8. Berne Convention for the Protection of Literary and Artistic Works, Sept. 9, 1886 (as revised at Paris, July 24, 1971).
9. Civil Code of the Republic of Uzbekistan, arts. 1031–1065.
10. Code of the Republic of Uzbekistan on Administrative Responsibility, art. 177(2).
11. Copyright Act of 1976, 17 U.S.C. §§ 101–1401.
12. Criminal Code of the Republic of Uzbekistan, art. 149.
13. Decree of the President of the Republic of Uzbekistan No. PP-3047 (May 4, 2017).
14. Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860 (1998).
15. Directive 2019/790 of the European Parliament and of the Council of 17 April 2019 on Copyright and Related Rights in the Digital Single Market, 2019 O.J. (L 130) 92.
16. Law of the Republic of Uzbekistan on Copyright and Related Rights, No. ZRU-42 (July 20, 2006, as amended 2021).
17. U.S. Copyright Office, Copyright and Artificial Intelligence, Part 2: Copyrightability (Jan. 2025).
18. WIPO Copyright Treaty, Dec. 20, 1996, S. Treaty Doc. No. 105-17.

Secondary Sources

1. Shakhnoza Almosova, Protection of Intellectual Property Rights under the Constitution and State Programs, 2 Review of Law Sciences 72 (2020).
2. Javohir Eshonqulov & Maftuna Sultonova, Digital Media and Copyright: Legal Disputes and Agreements, 5 Int'l J. Artificial Intelligence 1149 (2025).
3. A. Yuldashov, The Importance of National Intellectual Property Strategies and the Role of the World Intellectual Property Organization, 1(2) Yurist Akhborotnomasi 53 (2020).
4. A. Yuldashov & M. Choriev, Contractual-Legal Relations in the Field of Copyright and Liability for Copyright Infringement: National and Foreign Experience, 1(1/s) Society and Innovations 511 (2020).
5. Chenyi Zhao, A Study on the Improvement of Collective Management System of Copyright in the Digital Era, 554 Advances in Social Science, Education and Humanities Research 33 (2021).