



## COPYRIGHT APPLICATION TO CERTAIN AUDIOVISUAL WORKS

Khudaiberdieva Gulnora

Associate professor of the Specialized branch

Tashkent state law university, candidate of legal sciences

E-mail: gulnoraxudoyberdiyeva@mail.ru

### Abstract

The article analyses the legal status of an audio-visual work, which is one of the main objects of copyright, legal relations with the authors involved in its creation, the rights of authors, the nature of the rights to a video work, foreign experience in the creation and use of audio-visual works.

**Keywords:** intellectual property, copyright, author, audio-visual work, video work, license agreement, lawsuit.

### АЙРИМ АУДИОВИЗУАЛ АСАРЛАРГА НИСБАТАН МУАЛЛИФЛИК

#### ҲУҚУҚИНИНГ ТАДБИҚ ЭТИЛИШИ

ГУЛНОРА ХУДАЙБЕРДИЕВА

Тошкент давлат юридик университети

Ихтисослаштирилган филиали доценти,

юридик фанлар номзоди

E-mail: gxudoyberdiyeva@inbox.ru

### Аннотация:

Мақолада муаллифлик ҳуқуқининг асосий объектлардан бўлган аудиовизуал асарнинг ҳуқуқий мақоми, уни яратишда иштирок этадиган муаллифлар билан боғлиқ ҳуқуқий муносабатлар, муаллифларнинг ҳуқуқлари, видео асарнинг ҳуқуқи табиати, аудиовизуал асарларни яратиш ва ундан фойдаланишга оид хорижий тажриба таҳлил қилинган.

**Калит сўзлар:** интеллектуал мулк, муаллифлик ҳуқуқи, муаллиф, аудиовизуал асар, ведеоасар, лицензия шартномаси, суд муҳокамаси.





**ПРИМЕНЕНИЕ АВТОРСКИХ ПРАВ НА НЕКОТОРЫЕ  
АУДИОВИЗУАЛЬНЫЕ ПРОИЗВЕДЕНИЯ  
ГУЛНОРА ХУДАЙБЕРДИЕВА**

Доцент Специализированного филиала  
Ташкентского государственного юридического  
университета, кандидат юридических наук  
E-mail: gulnoraxudoyberdiyeva@mail.ru

**Аннотация:**

в статье анализируется правовой статус аудиовизуального произведения, являющегося одним из основных объектов авторского права, правоотношения с авторами, участвующими в его создании, права авторов, характер прав на видео-произведение, зарубежный опыт создания и использования аудиовизуальных произведений.

**Ключевые слова:** интеллектуальная собственность, авторское право, автор, аудиовизуальное произведение, видео-произведение, лицензионный договор, судебный процесс.

**Introduction**

In the field of intellectual property, a video work is an audio-visual work protected by copyright. However, the scope of video is so broad that it is not always clear to many people who owns the copyright to a video, how it is and is not legal to use someone else's content, and what to do if video material is used without permission. Movies, music videos, advertisements, reports, stories, tutorials, video art, blogs, etc. are different forms of video content.

According to the legislation, the author has personal property rights, which are the right to the name, copyright, right of inviolability of the work and right of publication. In addition, the property (exclusive) right that allows the object to be reproduced, distributed, sold and sold for any purpose - it can be transferred to another person.

According to the legislation of Uzbekistan, the authors (co-authors) of an audio-visual work are the following: stage director; screenplay writer; the author of a musical work with text or without text created specifically for a specific audio-visual work; a stage operator; stage artist [1].

In most foreign countries, the legal nature of video works has been disclosed. For example, the objects of copyright are listed in Article 1259 of the Civil Code of the Russian Federation. Among them are audio-visual works, which are works consisting





of a fixed series of interconnected images, intended for visual and auditory purposes, with or without sound.

Audio-visual works include feature films, documentaries, animated films, TV shows, commercials, slide shows, serials, reports, etc. Producer of an audio-visual work means a legal entity or a natural person who takes the initiative and responsibility for the preparation of such a work.

The category of authors of audiovisual works includes screenwriters, directors, and composers who have created a musical work specifically for video. Also, according to the laws of some countries, the costume artist, the camera operator is considered the author of the video work.

It is important to establish the authorship of the video work. Each of the authors participating in the creation of the work plays an important role, therefore, authorship appears, in which each participant has rights to the object of intellectual activity. For example, the director organizes the creative process and leads it. The author of the scenario creates the plot, the circle of participants, the image of the scenes, and the composer chooses the music that affects the public perception of the work.

A stage director differs from a screenwriter and a composer in terms of his legal status. The script can be reworked translated into another language or produced separately from the audio-visual work. Nevertheless, both the director, screenwriter, and composer considered co-authors of the work, since they share the rights to the common object.

A large team participates in the creation of the video work. Operators, producers, costume designers and other professionals are directly involved in the work. The team chooses a location for filming, rents a set, sets up the scenery and equipment for filming, and prepares costumes and props.

The process of creating the final version of the video work can take up to several months and cost a lot of money. The creator of the complex object (producer) who has the right to the entire film in order to have the exclusive right to the audio-visual work concludes. An agreement on the alienation of exclusive rights or a license agreement concluded with all participants in the process of filming the film.

When using a license agreement, the rights remain with the original author; the copyright holder uses the object to a limited extent. At the same time, the use of the objects included in the audio-visual work can be limited only by territory and duration, but the methods of use may be different.

It should be emphasized that video recording is a form of presentation of films, clips, etc. (audio-visual works). However, objects expressed in this form not always protected by copyright, since there are video recordings that do not have the





characteristics of an audio-visual work. For example, if there is no creative input or if there is no screenwriter and/or director, then copyright does not arise. A videotape is not an object, but a form of presentation of an audio-visual work.

The state of regulation of relations related to audio-visual work is not perfect in the legislation. Some issues are being resolved only within the framework of court proceedings, and there is no reason to say that a single agreement has been reached so far. If we interpret the law literally, then not all videos are audio-visual works, or not all videos have their own author because they do not meet certain criteria.

The producer is not the author, he does not have the non-property rights of the author, and he can only have the absolute (property) right. At the same time, he has the right to show his name on copies of audio-visual works, for example, on discs or on pages on the Internet. It remains open whether this right is real property or belongs to others.

It is necessary to realize the right to receive payment for the public display of audio-visual works, as well as for the distribution and transmission of audio-visual works through television, radio, digital networks (Internet, Internet TV and radios, mobile communication operators, content providers, etc.) [2].

Logically, if the producer is a natural person, then he will have non-property rights. If it is a legal entity, it cannot have property rights. For example, a cameraman shoots a scene episode for a film, if he works according to the task assigned to him, according to strict procedures and does not make a creative contribution, the author's right to this episode does not arise. If the producer and director of the film gave him complete freedom in his work, and in the process, he invented a special way of filming by hooking the camera to the back of the bird, and then such an object would be completely creative.

The most transparent and strict terms of cooperation will reduce the risk of conflicts in the future. Appropriate contracts be concluded with all participants of the filming process. Employment contract, author order contract are widely used in practice. According to the agreement on the alienation of the exclusive right, the rights transferred to the owner of the copyright - the producer. If the author independently shoots edits and distributes the video to the public, he has both non-property rights and exclusive rights. He himself becomes a producer, that is, a creator of a complex object-audio-visual work.

In the case of public performance of an audio-visual work, the author of the musical work (with or without text) retains the right to receive remuneration for the public performance of his musical work [3].





By uploading a video on social networks or public Internet resources, the author agrees to the rules of the site, gives a license to use the objects. The author agrees in advance, if the video transmitted to other users for advertising purposes, on the condition that his copyright not violated, for example, on Tik-Tok. It is the same with copyright on Instagram - the author gives the right to use his videos under an open license.

In our country, starting from April 1, 2023, electronic control copies of copyright objects will be stored in the Unified Database. This is stipulated in the decision of the Cabinet of Ministers No. 469 dated August 22, 2022 [4].

Maintenance of a single database of copyright objects, technical support and inclusion of electronic control copies of copyright objects in the database coordinated by the Centre of Intellectual Property. Electronic control copies of the object, including audio-visual works are placed by the depositories.

The creation of relations related to the creation of audio-visual works in the copyright system and the legal regulation distinguished by their uniqueness. That is why the legal protection of objects of this category is regulated not only by national legislation, but also by international law.

### **Иқтибослар/Сноски/References**

1. Ўзбекистон Республикасининг “Муаллифлик ҳуқуқи ва турдош ҳуқуқлар тўғрисида”ги қонуни. Қонунчилик маълумотлари миллий базаси, 21.04.2021 й., 03/21/683/0375-сон, 21.08.2021 й., 03/21/709/0808. 2022.
2. Абдуллаева О. Муаллифлик ва турдош ҳуқуқларни ким, қачон ҳимоя қилади? <https://uza.uz/uz/posts/mualliflik-va-turdosh-u-u-larni-kim-achon-imoya-iladi-16-03-2020>
3. Ўзбекистон Республикасининг “Муаллифлик ҳуқуқи ва турдош ҳуқуқлар тўғрисида”ги қонуни. Қонунчилик маълумотлари миллий базаси, 21.04.2021 й., 03/21/683/0375-сон, 21.08.2021 й., 03/21/709/0808. 2022.
4. Якубова И. Муаллифлик ҳуқуқи//Ўқув қўлланма. <http://muzaffar.uz/huquq-olamida/2719-mualliflik-huquqi.html>. 2022.
5. Ўзбекистон Республикаси Вазирлар Маҳкамасининг 2022 йил 2 август “Муаллифлик ҳуқуқи объектларининг электрон назорат нусхаларини ягона базада сақлаш тартиби тўғрисидаги низомни тасдиқлаш ҳақида”ги 469-сон қарори. <https://lex.uz/uz/docs/6165752>. 2022.





6. Khudaiberdieva Gulnora. (2022). FEATURES OF MANAGEMENT OF AUTHORS' PROPERTY RIGHTS ON A COLLECTIVE BASIS. Conference Zone, 100–104. Retrieved from <http://www.conferencezone.org/index.php/cz/article/view/358>
7. Khudaiberdieva Gulnora. (2022). FEATURES OF MANAGEMENT OF AUTHORS' PROPERTY RIGHTS ON A COLLECTIVE BASIS. Conference Zone, 100–104. Retrieved from <http://www.conferencezone.org/index.php/cz/article/view/358>
8. ХУДАЙБЕРДИЕВА, Гулнора. "ЎЗБЕКИСТОН МУСТАҚИЛЛИГИ ЙИЛЛАРИДА МУАЛЛИФЛИК ҲУҚУҚИ ВА ТУРДОШ ҲУҚУҚЛАРГА ОИД ҚОНУНЧИЛИКНИНГ ШАКЛЛАНИШИ ВА РИВОЖЛАНИШИНИНГ ХУСУСИЯТЛАРИ." ЮРИСТ АХБОРОТНОМАСИ 2.4 (2021): 63-68.
9. Зиядуллаев, М. 2022. Роль социального обеспечения в стратегии развития Нового Узбекистана . Общество и инновации. 3, 4/S (май 2022), 120–125. DOI:<https://doi.org/10.47689/2181-1415-vol3-iss4/S-pp120-125>.
10. Djurakulovich Ziyadullaev Makhmudjon. (2022). YESTERDAY'S, TODAY'S AND FUTURE PENSION REFORMS IN UZBEKISTAN. Conference Zone, 119–121. Retrieved from <http://www.conferencezone.org/index.php/cz/article/view/362>.

