

Legal Ontology Of A Website: Shifting From “Information Resource” To “Complex Object” In Civil Law Jurisdictions

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Abstract

This article examines the legal qualification of websites within the civil law framework of Uzbekistan, arguing that the prevailing administrative-law concept of "information resource" is inadequate for protecting intellectual property rights and facilitating commercial transactions. Through formal-juridical and comparative legal analysis, the study deconstructs a website into its constituent elements—source code, visual design, content, and domain name—each governed by distinct legal regimes. The findings reveal significant legislative gaps that impede the recognition of websites as unified objects of civil rights. The article proposes the introduction of Article 81¹ into the Civil Code of the Republic of Uzbekistan, defining a website as a "complex object" (slozhnyy ob'yekt) and digital asset, thereby aligning national legislation with contemporary doctrinal developments and international best practices.

Keywords: Website, complex object, information resource, intellectual property, digital asset, civil law, Uzbekistan.

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1. Introduction

The website has become the quintessential asset of the digital economy, serving as the primary interface for commercial transactions, public services, and intellectual discourse [1]. Despite its ubiquity, the legal ontology of a website—its qualification as an object of civil rights—remains contested in numerous jurisdictions, particularly those with post-Soviet legal heritage [2]. This conceptual ambiguity generates significant legal uncertainty regarding ownership, transferability, inheritance, and enforcement of exclusive rights.

The Republic of Uzbekistan presents a particularly instructive case study. The nation has embarked upon an ambitious digital transformation agenda, codified in the "Digital Uzbekistan 2030" Strategy [3], which envisions comprehensive digitalization of public administration,

commerce, and social services. However, this forward-looking policy confronts an obsolete conceptual apparatus inherited from early 2000s legislation, which predates the contemporary understanding of digital objects.

Current Uzbek legislation does not provide a legal definition of "website" (veb-sayt). Instead, the regulatory framework employs the term "information resource" (informatsionnyy resurs), derived from the Law of the Republic of Uzbekistan "On Informatization" No. 560-II [4]. This terminological choice reflects an administrative-law paradigm focused on information access regimes rather than the protection of proprietary interests inherent in private law.

The central research question of this study is: Why is the administrative-law definition of "information resource"

insufficient for civil-law circulation and protection of rights, and what alternative conceptualization would better serve these purposes?

This article argues that websites should be recognized as "complex objects" (*slozhnyye ob'yekty*) within the meaning of civil law doctrine—composite entities comprising heterogeneous elements unified by a common creative purpose. Such reconceptualization would enable comprehensive protection of intellectual property rights, facilitate commercial transactions involving websites, and provide legal certainty for the burgeoning IT sector of Uzbekistan.

2. Methodology

This study employs two principal methodological approaches. First, the formal-juridical method is applied to analyze the normative legal acts of the Republic of Uzbekistan, including the Civil Code [5], the Law "On Informatization" [4], the Law "On Copyright and Related Rights" No. 42 [6], and the Law "On Legal Protection of Computer Programs and Databases" No. 1060-XII [7]. This method facilitates systematic interpretation of statutory provisions and identification of legislative gaps.

Second, the comparative legal method is utilized to juxtapose the Uzbek "information resource" approach with the "complex object" doctrine developed in Russian civil law scholarship [8] and the *sui generis* database protection regime established in European Union law [9]. This comparison illuminates alternative regulatory models and their potential applicability to the Uzbek context.

The normative materials were accessed through the official legal database Lex.uz, ensuring authenticity and currency of sources. Doctrinal sources include peer-reviewed publications in Scopus-indexed journals and authoritative treatises on intellectual property law.

3. Results

The Law "On Informatization" defines an information resource as "information documented in accordance with established procedure, systematized according to certain criteria and contained in information systems" [4, Art. 5]. This definition exhibits several characteristics that render it unsuitable for civil-law purposes.

First, the definition is content-centric, focusing exclusively on "information" as the protected subject

matter. This approach neglects the creative elements embodied in website architecture, visual design, and software code—elements that constitute independent objects of intellectual property [10].

Second, the term operates within an administrative-law paradigm concerned with information access, classification, and state control. The Law "On Informatization" establishes categories of information (open, restricted, secret) and regulates their dissemination [4, Art. 12-16]. Such categorization serves public-law objectives but provides no framework for determining ownership, transferability, or enforcement of exclusive rights.

Third, the definition fails to address the composite nature of websites. A website is not merely a repository of information but a technologically and creatively complex artifact comprising multiple interdependent components [11].

A comprehensive legal analysis requires decomposition of a website into its constituent elements, each governed by distinct protective regimes under Uzbek law:

The software code underlying website functionality—including server-side scripts, client-side scripts, and markup languages—qualifies as a "computer program" protected under the Law "On Legal Protection of Computer Programs and Databases" [7, Art. 1]. Pursuant to this law and Article 1031 of the Civil Code, computer programs are protected as literary works, with protection extending to the expression of code rather than underlying algorithms or ideas [5, Art. 1041]. The author of the code enjoys exclusive rights to reproduction, modification, and distribution [7, Art. 8].

The graphical elements of a website—including layout, color schemes, typography, icons, and illustrations—constitute works of graphic art and design protected under the Law "On Copyright and Related Rights" [6, Art. 5]. Protection arises automatically upon creation and extends to the original expression of visual elements [6, Art. 7]. User interface design may additionally qualify for protection as an industrial design under patent law if it meets the criteria of novelty and originality [12].

Textual, audiovisual, and multimedia content published on a website enjoys copyright protection as literary, artistic, or audiovisual works [6, Art. 5-6]. The Law protects the form of expression while excluding protection for ideas, methods, processes, or factual

information per se [5, Art. 1041]. Content aggregated from multiple sources may qualify as a "compilation" (sostavnoye proizvedeniye) if the selection and arrangement demonstrate creativity [6, Art. 7].

The domain name occupies an ambiguous position in Uzbek law. It functions as a means of individualization analogous to trademarks, enabling identification and location of website resources [13]. However, domain names are not explicitly enumerated among the objects of intellectual property in Article 1031 of the Civil Code [5]. Courts in various jurisdictions have recognized domain names as sui generis objects or quasi-property, but Uzbek legislation provides no clear qualification [14].

Where a website incorporates a structured collection of data (e.g., product catalogs, user registries), such collections may qualify as "databases" protected under the Law "On Legal Protection of Computer Programs and Databases" [7, Art. 2]. Protection extends to the selection and arrangement of data, not to the data itself [7, Art. 3].

The foregoing analysis reveals that current Uzbek legislation provides piecemeal protection for individual website components but lacks any mechanism for protecting the website as an integrated whole. This fragmentation generates several practical difficulties:

1. Ownership complexity: Different elements may have different authors and rights holders, complicating determination of website ownership [15].

2. Transaction costs: Transfer of a website requires separate agreements for each protected element, increasing transaction costs and legal uncertainty [16].

3. Enforcement gaps: Infringement that affects the website's overall structure or "look and feel" may escape liability if individual elements remain uncopied [17].

4. Inheritance and succession: The absence of unified property qualification impedes testamentary disposition and intestate succession of websites [18].

4. Discussion

The deficiencies of the "information resource" paradigm may be remedied through adoption of the "complex object" (slozhnyy ob'yekt) doctrine developed in civil law scholarship [8]. A complex object is defined as an entity comprising multiple heterogeneous elements—

each potentially subject to independent legal protection—unified by a common creative or functional purpose [19].

Russian civil law provides an instructive model. Article 1240 of the Civil Code of the Russian Federation recognizes complex objects including audiovisual works, theatrical productions, and multimedia products [20]. The creator of a complex object acquires the right to use constituent elements within the object, while original authors retain certain moral rights [20, Art. 1240(3)].

Extending this doctrine to websites, a website may be conceptualized as a composite work (sostavnoye proizvedeniye) or complex object comprising:

- The technological substrate (code);
- The aesthetic layer (design);
- The informational layer (content);
- The identificatory element (domain name).

The unity of these elements is not merely aggregative but organic: the creative contribution lies in their integration into a functional and aesthetic whole [21]. This conceptualization aligns with Article 14 of the Berne Convention, which recognizes protection for cinematographic works as complex creations incorporating multiple authorial contributions [22].

Beyond intellectual property considerations, websites possess significant proprietary value as digital assets. Websites are regularly sold, licensed, pledged as collateral, and inherited [23]. The "information resource" paradigm, focused on access regimes, provides no framework for these transactions.

Recognition of websites as property (imushchestvo) within the meaning of Article 81 of the Civil Code [5] would enable:

1. Commercial transactions: Clear title and transfer mechanisms for website sales and acquisitions [24].

2. Secured financing: Use of websites as collateral for loans, supporting IT entrepreneurship [25].

3. Inheritance: Testamentary disposition and intestate succession of digital assets [18].

4. Bankruptcy proceedings: Inclusion of websites in insolvency estates for creditor satisfaction [26].

The European Union's approach to database protection

under Directive 96/9/EC demonstrates the viability of *sui generis* property rights in digital objects distinct from traditional copyright [9]. Similarly, common law jurisdictions have increasingly recognized websites as intangible property subject to commercial dealings [27].

Based on the foregoing analysis, this article proposes the introduction of Article 81¹ into the Civil Code of the Republic of Uzbekistan, with the following content:

Article 81¹. Website as an Object of Civil Rights

1. A website is a complex object comprising an interconnected set of software code, graphic design elements, textual and multimedia content, and a domain name, unified by a common functional purpose and accessible via the Internet.
2. A website is recognized as property and may be the subject of ownership, other property rights, and obligations.
3. The rights to a website as a complex object belong to the person who organized its creation, unless otherwise provided by contract with the authors of its constituent elements.
4. The provisions of legislation on copyright and related rights apply to the constituent elements of a website in accordance with their nature.

This formulation achieves several objectives: it provides a unified legal definition; it recognizes both the intellectual property and property dimensions; it allocates rights to the organizing party while preserving constituent authors' interests; and it maintains compatibility with existing intellectual property legislation.

Additionally, a corresponding Article 14¹ should be introduced into the Law "On Copyright and Related Rights," explicitly recognizing websites as composite works enjoying protection for their selection, coordination, and arrangement of elements [6].

The proposed reconceptualization aligns Uzbek law with progressive international developments. The European Union's Digital Single Market Strategy emphasizes legal certainty for digital businesses and cross-border recognition of digital assets [28]. The World Intellectual Property Organization has advocated for modernization of intellectual property frameworks to address digital objects [29].

Moreover, this approach supports Uzbekistan's aspirations for WTO accession, which requires compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) [30]. TRIPS mandates protection of computer programs as literary works and compilations as intellectual creations, both of which are constituent elements of websites [30, Art. 10].

5. Conclusion

This study has demonstrated that the prevailing "information resource" paradigm in Uzbek legislation is inadequate for the civil-law qualification of websites. The administrative-law focus on information access regimes fails to address the proprietary and intellectual property dimensions essential for commercial transactions, investment protection, and rights enforcement.

The deconstruction of websites into constituent elements—code, design, content, and domain—reveals that current legislation provides fragmented protection without recognizing the integrated character of these digital objects. This fragmentation generates legal uncertainty, increases transaction costs, and impedes the development of Uzbekistan's digital economy.

The article proposes adoption of the "complex object" doctrine, recognizing websites as composite works and digital assets. The recommended introduction of Article 81¹ into the Civil Code would provide:

1. **Legal certainty** for IT enterprises and investors;
2. **Unified transaction framework** for website sales, licensing, and collateralization;
3. **Inheritance mechanisms** for digital assets;
4. **International alignment** with EU and TRIPS standards.

Implementation of this proposal would mark a significant advancement in Uzbekistan's digital law infrastructure, supporting the objectives of the "Digital Uzbekistan 2030" Strategy and positioning the nation as a leader in Central Asian legal modernization.

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