

Digital Transformation of Copyright Management: Legal Challenges and Prospects for Uzbekistan

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Received: 26 Mar 2026 | Received Revised Version: 22 April 2026 | Accepted: 04 May 2026 | Published: 31 May 2026

Volume 08 Issue 05 2026 | Crossref DOI: 10.37547/tajpslc/Volume08Issue05-15

Abstract

The rapid development of digital technologies is changing not only the ways in which copyrighted works are created and disseminated, but also the legal mechanisms through which copyright is managed. This article examines whether the current copyright framework of Uzbekistan provides adequate legal mechanisms for the identification of works and right holders, licensing, monitoring of use, and distribution of remuneration in the digital environment. The analysis focuses on the Civil Code of the Republic of Uzbekistan, the Law "On Copyright and Related Rights", and relevant subordinate legislation, with particular attention to the electronic control copy and the unified database of copyright objects introduced in 2022. The study identifies several structural gaps, including the insufficient regulation of information intermediaries, limited safeguards for collective management organisations, the absence of extended collective licensing and a comprehensive orphan-works regime, unresolved questions concerning artificial intelligence and text-and-data mining, and weaknesses in the preservation and use of digital evidence. Comparative consideration of selected EU, US and Russian approaches is used to formulate proposals suitable for Uzbekistan. The article proposes a coordinated reform model centred on stronger collective management, a clear intermediary-liability regime, targeted regulation of AI-related uses, improved digital enforcement, and a unified national platform, provisionally designated "E-Muallif", for registration, licensing and remuneration management. The study concludes that technological digitalisation will be effective only when it is supported by a coherent legal and institutional framework.

Keywords: Copyright; related rights; digital copyright management; collective management; information intermediaries; licensing; artificial intelligence; digital evidence; Uzbekistan; E-Muallif.

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Cite This Article: Abdumalikov Sharof Mirzaxid o'g'li. (2026). Digital Transformation of Copyright Management: Legal Challenges and Prospects for Uzbekistan. The American Journal of Political Science Law and Criminology, 8(05), 92–96. <https://doi.org/10.37547/tajpslc/Volume08Issue05-15>

1. Introduction

Digitalisation has fundamentally altered the environment in which copyright is exercised. A work can now be reproduced, communicated to the public, licensed and used across several jurisdictions almost simultaneously. At the same time, digital use generates information that can, in principle, make it possible to identify particular

works, record patterns of use and calculate remuneration more accurately. The legal system therefore faces a different task from that encountered in the analogue environment: it must provide rules capable of supporting copyright management at digital scale.

Uzbekistan's principal copyright legislation was adopted in 2006. Copyright relations are regulated mainly by

Articles 1042–1076 of the Civil Code and by Law No. ZRU-42 of 20 July 2006 “On Copyright and Related Rights”. Uzbekistan has been bound by the Berne Convention since 2005 and by the WIPO Copyright Treaty since 2019. In addition, the Digital Uzbekistan–2030 strategy identifies digitalisation of public services and administrative processes as a national policy priority. These developments provide an important foundation, but they do not by themselves resolve the institutional questions arising from digital exploitation of copyrighted works.

The central issue addressed in this article is therefore not whether copyright exists in Uzbekistan, but whether the legal system provides effective mechanisms for managing copyright in practice. Four functions are particularly important: identification of protected works and right holders, licensing, monitoring of use, and remuneration. The existing framework addresses these functions only partially and does not yet connect them within a coherent digital system.

The study applies formal-legal and comparative methods. Uzbek legislation and relevant subordinate acts are examined in order to identify regulatory gaps, while selected mechanisms from the European Union, the United States and the Russian Federation are considered as comparative reference points. The purpose is not to reproduce foreign models mechanically, but to determine which elements could realistically contribute to the development of a national digital copyright-management system.

The coexistence of the Civil Code and the Copyright Law creates an important structural feature of Uzbek copyright regulation. Both instruments contain provisions concerning protected subject matter, authorship, economic and moral rights, related rights and the term of protection. Their substantive overlap can complicate legislative reform because the same issue may require amendments to two different legal instruments. A clearer division between general civil-law regulation and specialised copyright regulation would make subsequent digital reforms more consistent.

A positive development is the establishment of electronic mechanisms for the registration and recording of copyright objects. Resolution No. 469 of the Cabinet of Ministers of 22 August 2022 introduced the electronic control copy and the unified database of copyright objects. This represents a move from purely documentary administration toward a digital register.

Nevertheless, the legal effect of an entry in such a database remains an important question. In particular, the legislation should clarify whether a registration entry may establish a rebuttable presumption concerning authorship and the priority of creation.

The practical importance of this issue is considerable. A digital register will have limited evidentiary value if its data cannot be relied upon in disputes or connected with licensing and remuneration systems. Registration should therefore not be treated simply as an electronic replacement for a paper deposit certificate. It should become part of a broader rights-information infrastructure.

The first major gap concerns information intermediaries. Uzbek copyright legislation does not establish a sufficiently detailed framework determining when a hosting service or other intermediary is liable for infringing content uploaded by users and when it may benefit from an exemption. Nor is there a comprehensive statutory procedure allowing a right holder to request removal of allegedly infringing material without immediately resorting to litigation. This creates uncertainty for both sides: right holders lack a predictable and relatively inexpensive remedy, while service providers lack a clear statutory standard of conduct.

The experience of the United States and the European Union demonstrates different approaches to this problem. The US Digital Millennium Copyright Act introduced a safe-harbour structure linked to notice-and-takedown procedures, while EU law has developed a more differentiated framework for online content-sharing services. The Russian Civil Code also provides a statutory concept of the information intermediary. For Uzbekistan, the most important lesson is the need to establish predictable conditions of liability and exemption, together with safeguards against both unjustified non-removal and excessive removal of lawful content.

The second challenge concerns collective management. The existing statutory regulation is relatively limited when compared with the detailed governance, transparency and accountability requirements developed in the European Union. In particular, questions of accreditation, repertoire transparency, distribution deadlines and verification of remuneration require clearer regulation. A right holder should be able to understand what works are represented, what amounts

have been collected and on what basis remuneration has been attributed.

The third challenge arises from mass digitisation and works whose right holders cannot be identified or located. Libraries, archives and museums may possess substantial collections that cannot realistically be cleared on an individual basis. Uzbek law does not yet provide a comprehensive orphan-works regime or extended collective licensing. Extended collective licensing could provide a practical solution for clearly defined categories of use, provided that it is limited to representative organisations and includes an effective right for a right holder to opt out.

The fourth challenge is associated with artificial intelligence. The increasing use of copyrighted material in training datasets raises questions concerning authorisation, exceptions and transparency. Uzbek law does not expressly regulate text-and-data mining in the way that recent EU legislation does. The law also does not provide sufficiently detailed criteria for distinguishing works produced by a human author with the assistance of AI from outputs generated without a human creative contribution. Given the existing principle that copyright is connected to human authorship, the immediate need is clarification rather than the creation of a new exclusive right for machine-generated output.

The fifth challenge concerns digital evidence. Online infringement may disappear before legal proceedings begin: a webpage can be removed, a file replaced or a stream terminated. Effective enforcement therefore requires mechanisms for timely fixation and preservation of digital evidence, as well as appropriate procedures for obtaining relevant information held by intermediaries. Without such mechanisms, substantive copyright rights may remain difficult to enforce in practice.

The identified problems should be addressed as parts of a single reform programme rather than through isolated amendments. First, Uzbekistan could adopt a separate statute on the collective management of economic rights in copyright and related rights. Such legislation should establish transparent accreditation requirements, clear grounds for refusal and revocation, obligations concerning repertoire and financial reporting, and definite periods for distribution of collected remuneration. It should also provide an effective mechanism for resolving disputes concerning tariffs and distribution.

Second, the Civil Code should contain a clear definition of the information intermediary and the substantive conditions for exemption from liability. A subordinate procedure should regulate the content of a valid notification, the time for responding to it, counter-notification and communication with the uploader. The system should not create a general obligation to monitor all content, and broad blocking measures should remain subject to appropriate judicial safeguards.

Third, Uzbekistan should develop a unified national digital system, provisionally designated “E-Muallif”. The platform should not merely reproduce existing registration procedures in electronic form. Its purpose should be to connect four functions that are currently separated: identification and registration of works and right holders; a searchable repertoire; licensing; and recording of use and distribution of remuneration. Where appropriate, persistent identifiers should be interoperable with established international identification standards.

For the platform to have genuine legal value, its legal foundations must be established in advance. Registration entries should have a defined evidentiary status, including a rebuttable presumption of authorship or priority where appropriate. Certain categories of users, such as broadcasters, streaming services and large public-performance venues, could be required to submit usage information in a standard machine-readable format. Without reliable usage data, an electronic settlement system would simply reproduce the weaknesses of an analogue estimation-based system in digital form.

Fourth, extended collective licensing should be considered for clearly defined uses, particularly the digitisation and making available of collections held by libraries, archives and museums, selected educational uses, and appropriate broadcast archives. The mechanism should operate through accredited organisations that are demonstrably representative of the relevant category of right holders. An unconditional future opt-out should be available to right holders. A residual orphan-works mechanism based on a documented diligent search would remain necessary for uses falling outside the extended licensing categories.

Fifth, copyright legislation should establish a limited but clear framework for AI-related uses. It should confirm the requirement of human authorship, provide appropriate text-and-data-mining exceptions for research and cultural-heritage institutions with lawful access, and

consider a broader exception subject to an express reservation by the right holder. Transparency concerning the use of protected works in training should also be addressed. At the current stage, creating a separate *sui generis* right for AI-generated output would be premature without evidence of a corresponding market failure.

The order in which these reforms are introduced is as important as their substance. Collective management organisations should first be subject to clear accreditation, transparency and accountability requirements. Only then should extended collective licensing be expanded. Similarly, the legal status of the national repertoire should be established before the licensing and remuneration functions of E-Muallif are fully deployed. Intermediary-liability rules should also be coordinated with the availability of lawful licensing channels.

A practical sequence would therefore begin with institutional reform of collective management, followed by the establishment of an authoritative and searchable repertoire. The next stage would introduce extended collective licensing and targeted orphan-works rules, accompanied by intermediary-liability and digital-evidence procedures. Only after these legal foundations are in place should the full licensing, monitoring and remuneration functions of E-Muallif be implemented. This sequence reduces the risk of investing in a technically sophisticated system without the legal infrastructure necessary for it to function effectively.

The digital transformation of copyright management in Uzbekistan is primarily a legal and institutional challenge. The current system recognises copyright and provides general remedies, but it does not yet provide an integrated mechanism through which works and right holders can be identified, uses can be licensed and monitored, and remuneration can be allocated on the basis of reliable data.

The most significant reforms concern collective management and the liability of information intermediaries. At the same time, mass digitisation, orphan works, artificial intelligence and digital evidence require targeted regulatory responses. A unified E-Muallif platform could become an important practical instrument, but only if its legal foundations—particularly the evidentiary status of the register, usage-reporting requirements and institutional responsibilities—are established beforehand.

The principal conclusion is that digitalisation should not be treated as a substitute for legal reform. Technology can make copyright management faster and more transparent, but it cannot determine who has a right, who must obtain a licence, who must report use, or who is responsible for payment unless those relationships are first defined by law. A coherent combination of legal reform, institutional accountability and digital infrastructure would therefore provide a more sustainable basis for copyright management in Uzbekistan.

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