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Abstract: *This essay looks at the difficulties of protecting intellectual property (IP) rights in cyberspace, where technology and the internet have altered how we think about ownership and control. With the internet making it easy to share information globally, it also becomes harder to protect copyrights, trademarks, and patents, as the line between private ownership and public access blurs. The essay examines the legal systems that try to regulate IP in the digital world, including how different countries' laws, international agreements, and efforts work or often struggle to protect creators when piracy and unauthorized use are so extensive. It also explores ethical debates around IP rights in cyberspace, especially when it comes to privacy, innovation, and access to knowledge. The essay argues that while protecting creators' rights is essential, there should be a balance that also allows for open information sharing, boosting an environment that supports both creativity and public access.*

Key words: "trademarks" "copyrights" "patent" "cybercrimes" "fraud" "cyberbullying" "violation"

I. Introduction

The rapid evolution of cyberspace over the last decade owing to the extensive growth of e-commerce and e-governance on digital platforms has led to establishing its unforeseen inter-relationship with a varied range of disciplines, the most important of them being law. With the rapid increase in the use of cyber space, availability of content across digital platforms increased by many folds; innovation caused rise to the creation of original and novel content, and intellectual property was spread overcoming all geographical boundaries. Cyberspace being a tool of inter to data and resources, it expanded human capacity towards global information. As a result, there developed an undeniable relationship between cyberspace and the intellectual property in the content available on the cyberspace. Improvement has been brought in the existing Intellectual Property Laws to make it compatible to digital platforms as well as digital content. Cyberspace provides to copyright law a platform to promote and direct its objectives and purposes, the most significant of which is to provide to the society access to knowledge for setting up overall societal amendment.

II. Methodology

The inherent philosophy of copyright law is intended for at fostering creativity and innovation which the copyright owner may subject to commercial exploitation; and cyberspace served as the perfect medium for achieving such purposes. The very structure



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of cyberspace and its inherent characteristics has a dual impact on the copyright system. Both positive impact and negative impact can be easily found in distribution, reproduction and its exploitation/accessibility of copyright material. While distribution, reproduction and exploitation of copyrighted material have found new way through cyberspace and content has become easily accessible to public, it has also adversely affected the copyright holders. Not only does the internet remove all distinction between private and public use, but it also generates complications towards the interpretation of use of copyrighted materials thereby weakening the grounds of copyright infringement.

The owners of intellectual property are contributors to society and economic development. Their contributions must be recognised through some kind of financial benefit in the form of royalties. This is possible only when the laws are enforced in earnest and those who want to use such property act honestly. For example, public performances of music are not allowed at programmes, ceremonies or on public transport without permission. A certain royalty has to be paid for permission to play music in public. It would be relevant to mention that the Music Royalty Collection Society Nepal (MRCSN), which was established in 2007 under the Copyright Act that protects the rights of authors and composers, has created a mechanism for royalty collection and distribution. The MRCSN is a provisional member of the International Confederation of Societies of Authors and Composers (CISAC).⁶⁵

National mechanisms for securing property rights.

Ensuring the right to property in each state is an important factor in the development of the country's economy. Over time, new forms and types of property are being created, and this, in turn, poses new tasks and functions for the state to protect property rights from various threats and encroachments. Therefore, the state must create the most necessary conditions to ensure the inviolability of property. It should be noted that over the past 5 years, comprehensive measures have been taken in Uzbekistan in the field of ensuring property rights.

Legal basis for ensuring the inviolability of property.

According to Art. 164 of the Civil Code of the Republic of Uzbekistan, the right of ownership is the right of a person to own, use and arrange of his property at his discretion and in his interests, as well as to demand the removal of any violations of his property rights, no matter who they come from.⁶⁶

⁶⁵ LexisNexis

<https://advance.lexis.com/api/document?collection=news&id=urn%3acontentItem%3a6D4Y-Y1C1-F00C-642D-00000-00&context=1519360&identityprofileid=CJQVWW63400>.

⁶⁶ Civil code of the Republic of the Uzbekistan, December 21,1995 <http://old.lex.uz/docs/111181>



Property in the Republic of Uzbekistan acts in a private and public form. Private property is property owned by citizens, business partnerships and companies, cooperatives, public associations, public funds, and other non-state legal formations. Public property is state property, consisting of republican property and property of administrative-territorial formations. It was crucial here not only to declare the existence of state and private property, but also to provide everyone with equal rights to do economic and other activities and, to guarantee equal protection and equal conditions for the development of all forms of property. This means the equality of all subjects of property rights before the law and the court and the right to equal protection from the state. One of the important laws adopted during the years of independence is the Law "On Property in the Republic of Uzbekistan". By this Law, citizens received the property right and the government guaranteed the inviolability of property. The inviolability of property consists in avoiding from violating property rights by all forms opposed to the owner.⁶⁷

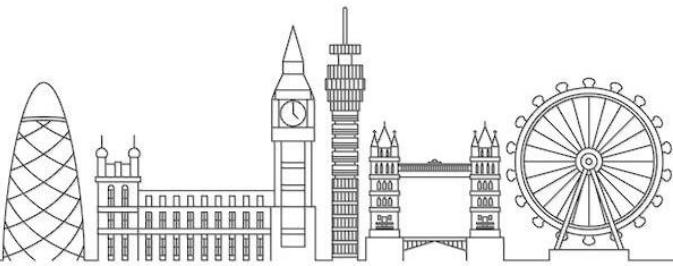
As an initial matter, it is important to note that the relaxation of investment rules and regulatory ownership rules has made the issue of majority versus minority ownership irrelevant. In many countries now, it is permitted for you to have up to 100% ownership in a company. This topic is therefore of less concern to international lawyers and their clients. This liberalization is probably due to a variety of different factors which are very interesting in and of themselves. The first factor is the natural evolution in economic sophistication of Latin American leadership and the recognition that the rules must be modernized to be internationally competitive, and attractive, to foreign companies.⁶⁸

III. Results

Intellectual Property (IP) simply refers to the creation of the mind. It refers to the possession of thought or design by the one who came up with it. It offers the owner of any inventive design or any form of distinct work some exclusive rights, that make it unlawful to copy or reuse that work without the owner's permission. It is a part of property law. People associated with literature, music, invention, etc. can use it in business practices.

⁶⁷ The Permanent Mission of the Republic of Uzbekistan to United Nations
https://www.un.int/uzbekistan/statements_speeches

⁶⁸ HeinOnline <https://heinonline.org/HOL/P?h=hein.engrep/engri0163&i=1101>



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There are numerous types of tools of protection that come under the term “intellectual property”. Notable among these are the following:

Patent, Trademark, Geographical indications, Layout Designs of Integrated Circuits, Trade secrets, Copyrights and Industrial Designs.

Cyberspace is the non-physical field where numerous computers are connected through computer networks to establish communication between them. With the expansion of technology, cyberspace has come within reach of every individual. This fact led to the emergence of cyberspace as a business platform and hence increases pressure on Intellectual Property. Nowadays, cyber crimes do not only limit themselves to fraud, cyberbullying, identity thefts but also an infringement of copyrights and trademarks of various businesses and other companies. Online content needs to be protected and hence Intellectual Property Rights and Cyber laws cannot be separated. In cyberspace, sometimes one person makes a profit by using another person's creation without the owner's permission. This is a violation of privacy, and it is protected by IPR. We have certain laws to avoid violation of Intellectual Property Rights in cyberspace and when it is violated, then additionally we have several remedies in law.

IV. Discussion

Copyright Issues in Cyberspace:

1. Linking –

It allows a Website user to enter another source on the Internet. By simply clicking on a word or image on one Web page, the user can view another Web page elsewhere in the world, or simply elsewhere on the same server as the original page. Linking breaks the rights or interests of the owner of the Linked webpage. It may create the supposition that the two linked sites are the same and promote the same idea. In this way, the linked sites can lose their income as it is often equal to the number of persons who visit their page.

2. Software Piracy –

Software piracy refers to the act of stealing software that is legally protected. This stealing comprises various actions like copying, spreading, altering, or trading the software. An example of software piracy is downloading a replica of Microsoft Word from any website other than Microsoft to avoid paying for it as it is a paid software.⁶⁹

Piracy can be of 3 types:

1. Soft lifting

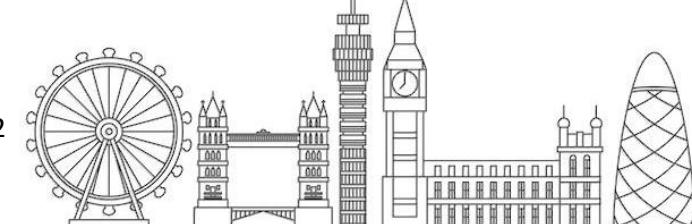
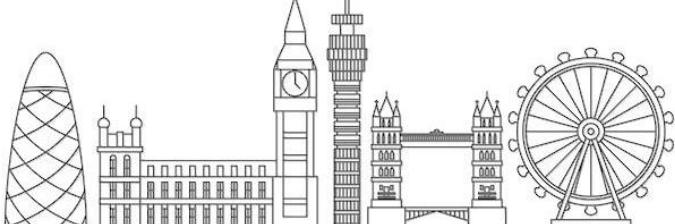
2. Software Counterfeiting

3. Uploading-Downloading.

3. Cybersquatting –

Cybersquatting means unofficial registration and usage of Internet domain names that are similar to any business's trademarks, service marks, or company names. For example, let us consider Xyz is a very famous company and the company hadn't created a website

⁶⁹ Dr. Babasaheb Ambedkar Open https://baou.edu.in/assets/pdf/PGDCL_202_slm.pdf



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yet. A cybersquatter could buy xyz.com, looking to sell the domain to the company Xyz at a later date for a profit. The domain name of a famous company can even be used to attract traffic and this traffic will help cybersquatters earn a lot of money through advertising.⁷⁰

Trademark Issues in Cyberspace :

Trademark means a mark capable of being represented diagrammatically and which may differentiate the products or services of one person from those of others and will make the form of products, their packaging, and combination of colours. Trademark infringement refers to the unlawful use of a trademark or service mark which can cause double meaning fraud, or confusion about the actual company a product or service came from. Trademark owners can take the help of the law if they believe their marks are being infringed.

Advantages of Intellectual Property Rights:

1. It provides exclusive rights to the creator's or inventor's.
2. It gives freedom to inventor to share his knowledge without keeping its secret.
3. It helps to creator financially.
4. It provides lawful defence to the creator.

Conclusion: With the growth of Cyberspace and technology improvements copyright and trademarks are not restricted to the normal intellectual property alone but have spread to intellectual property rights over the internet.

Cyberspace is becoming a center for intellectual property rights infringement. Several practices by the cyber site operators resulted in the violation of intellectual property rights and various other rights of other website operators. It has become very important that people can become aware of the illegal usage of their websites and webpages. Private property is property owned by citizens, business partnerships and companies, cooperatives, public associations, public funds, and other non-state legal formations.

The competitive dialogue also allows prequalification of suppliers, including shortlisting. Contracting authorities then open a dialogue with selected participants, the aim of which is to identify and define the means best suited to satisfying their needs which may include discussing all aspects of the procurement with chosen participants. During the dialogue, contracting authorities must ensure equality of treatment among participants which, to that end means that they must not provide information in a discriminatory manner which may give some participants an advantage over others. This includes not revealing solutions proposed or other confidential information communicated by participants to others without their agreements.⁷¹

⁷⁰ RohalNagpal,Intellectual Property Issues and Cyberspace Asian School of Cyber law Publication,Pune,2008

⁷¹ Westlaw

[https://www.westlaw.com/Document/I6C39F600607611EF8B3DB8E4D8F78BEE/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I6C39F600607611EF8B3DB8E4D8F78BEE/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0)



Conclusion

Over the last couple of decades, intellectual property has become assets owned by the right-holders. There is no refusing the necessity of protecting intellectual property on or off cyberspace, for it acts as fuel for most modern trades. With the growth in technology, there is ever-increasing extent of new challenges emerging which might need advanced legal measures and stricter regulations for ensuring a balanced platform for all the interested parties involved. Cyberspace needs to be bound by particular legal regulations today, more than ever.

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