



# General concepts of copyright and objects of copyright on the Internet.

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## ABSTRACT

This theme delves into the fundamental principles of copyright and explores how these principles manifest in the dynamic landscape of the internet. The work provides a comprehensive overview of copyright, emphasizing its role in protecting creative works and fostering innovation. It also delves into the unique challenges and opportunities that arise in the digital age, highlighting the diverse objects of copyright found on the internet. The theme underscores the importance of understanding copyright in the context of the internet, where it serves as a cornerstone for balancing the rights of creators with the accessibility of information. Readers will gain a deeper insight into how copyright concepts shape the digital frontier, ensuring that the rights of creators are upheld while enabling the free exchange of ideas, culture, and knowledge on the web.

### Keywords:

*Copyright, intellectual property, fair use, digital rights, digital piracy, copyright protection, internet service providers (ISPs).*

## Chapter I Copyright concepts

The Internet, a vast global network of interconnected devices and information, has not only changed the way knowledge is accessed and shared, but it has also revolutionized the world of creativity and intellectual property. This digital revolution has created enormous opportunities and challenges for copyright law, a legal and ethical framework that aims to strike a delicate balance between protecting the rights of creators and promoting the free flow of information and culture. In this study of Copyright on the Internet, we embark on a journey to understand the complex dynamics, controversies, and decisions surrounding the intersection of copyright law and the digital age.

Deeply rooted in the protection of intellectual property, copyright law has a rich historical heritage dating back to the 1709

Statute of Anne<sup>1</sup>, which laid the foundation for the concept of intellectual property rights. This legal framework was designed to encourage creativity by providing exclusive rights to authors, allowing them to benefit financially from their work for a limited period. While these principles remain, the advent of the Internet has brought new complexities, challenges, and opportunities that copyright law must consider.

In this study, we delve into the multifaceted landscape of "online copyright," seeking to understand its nuances and implications. The Internet has ushered in a new era of content creation, distribution, and consumption, introducing a diverse set of items eligible for copyright protection. From text, images and music to software, databases and user-generated content, the digital age has greatly expanded the scope of copyrighted

<sup>1</sup>Sherman, Brad The making of modern intellectual property law: the British experience, 1760—1911 / Brad Sherman

and Lionel Bently. - Cambridge; New York: Cambridge University Press, 1999.

material<sup>2</sup>. Understanding the variety of copyright protections is vital to addressing the challenges and controversies that arise in this digital ecosystem.

The Internet has given rise to many critical issues, from digital piracy and fair use debates to debates over the open access movement and international harmonization of copyright laws. These complexities test the limits of traditional copyright concepts while pushing the boundaries of legal and ethical debate.

Throughout our journey, we will explore potential solutions and approaches to maintain the delicate balance between protecting the rights of creators and encouraging innovation, collaboration, and the free exchange of ideas. The path to addressing these challenges is multifaceted and dynamic, from strengthening copyright protection in the digital sphere to developing fair use guidelines for the digital age and fostering international cooperation<sup>3</sup>.

In an era where the Internet is an integral part of our daily lives, the topic of Internet Copyright is not just a legal or technological issue; it is a social and cultural aspect. This exploration invites you to join us as we navigate the intricacies of copyright law on the Internet, understanding how it shapes our creative culture and influences how we access and share information. Together we will embark on a journey to untangle the complex threads that connect copyright, creativity, and the ever-evolving digital landscape.

The advent of the Internet has revolutionized the way information is created, distributed, and consumed. It also ushered in a new era of challenges and opportunities in copyright law. Copyright, the legal framework designed to protect the intellectual property of authors, was developed long before the advent

of the Internet<sup>4</sup>. As a result, adapting copyright to the digital landscape has proven to be a complex and constantly evolving process. This essay explores the topic of online copyright, delving into the issues, debates, and solutions surrounding intellectual property protection in the digital age. Copyright is a fundamental concept in the world of creative expression and intellectual property. It provides a legal framework that protects the rights of creators, authors, artists, and innovators. In this chapter, we will delve into the basic concepts of copyright, its historical evolution, and its main purpose in the digital age<sup>5</sup>.

Copyright consists of several essential components that determine its scope and purpose:

- **Originality:** Copyright protection is granted to original works of authorship. This means that the work must be created by the author independently, showing a bit of creativity. Originality does not necessarily imply absolute uniqueness, but rather the absence of direct copying<sup>6</sup>.
- **Fixed Medium:** Copyright extends to works fixed in a tangible medium. This includes traditional forms such as books, paintings, and sculptures, as well as digital formats such as text documents, images, audio recordings and software.
- **Copyright:** gives the creator exclusive rights to his or her work, including the rights to reproduce, distribute, perform, display, and create derivative works. These rights are subject to certain limitations and exceptions<sup>7</sup>.
- **Limited Duration:** Copyright protection is not permanent. It is provided for a limited period, after which the work

<sup>2</sup>Depositing works of science, literature and art. Archived from the original on August 13, 2014.

<sup>3</sup>Sean Michaels. Paul McCartney 'not devastated' over Michael Jackson will (English) // The Guardian: website newspapers . - 2009. - 9 July.

<sup>4</sup>Copyright protection - course work. myuniversity.ru. Access date: October 11, 2017

<sup>5</sup>Fox, M.A., 'Another nail in the coffin for copy-protection technologies? Sony

BMG's XCP and MediaMax debacle', (2006) Ent LR 17(7) 214-218

<sup>6</sup>Depoorter, B., and Parisi, F., 'Fair use and copyright protection: a price theory explanation', (2002) International Review of Law and Economics 21 453-473

<sup>7</sup> Diakopoulos , N., Luther, K., Medynsky , Y., and Essa, I., 'The Evolution of Authorship in a Remix Society', (2007) ACM, p133, available from: <http://hcc.kurtluther.com/pdf/p133-diakopoulos.pdf>

enters the public domain. The length of copyright varies by country and by factors such as the type of work and the date of creation.

Also, copyright on the Internet faces a unique set of challenges:

- Digital piracy<sup>8</sup>. The global reach of the Internet and the ease of its reproduction have led to widespread digital piracy. Content is often copied and distributed without permission, which creates serious problems for creators and copyright holders. One of the most serious copyright problems on the Internet is digital piracy. Digital piracy involves the unauthorized reproduction and distribution of copyrighted content, often resulting in significant financial losses for creators and copyright holders. It takes various forms:

1. **Torrenting:** Torrenting involves sharing files over a decentralized network. Users download and upload files, including copyrighted ones, through torrent clients<sup>9</sup>.
2. **Streaming.** Streaming platforms, both legal and illegal, allow users to watch or listen to copyrighted content without downloading it. Illegal streaming services are a common source of digital piracy<sup>10</sup>.
3. **Cyberlocker Services:** Cyberlocker services offer file storage and sharing. They are used for legal purposes but are also used to distribute copyrighted content without permission.
4. **File sharing communities.** Online communities such as peer-to-peer (P2P) file sharing networks have long been associated with digital piracy.

<sup>8</sup>Davies, G., 'A technical solution to private copying: the case of the digital audio tape', (1987) EIPR 9(6) 155-158

<sup>9</sup>Danay, R., 'Copyright vs. Free Expression: The Case of Peer-to-Peer FileSharing of Music in the United Kingdom', (2005-2006) 8 Yale JL & Tech 32-

<sup>10</sup>Davis, M., 'From pirates to patriots: fair use for digital media', (2002) IEEE Multimedia 9(4) 4-7

Users share files directly with each other, making it difficult to track and control copyright violations. Digital piracy poses a significant threat to the traditional copyright protection model. It emphasizes the need to develop copyright strategies, technological advances and international cooperation to combat copyright infringement on the Internet.

- **Fair Use and Transformative Works**<sup>11</sup>. The Internet landscape is characterized by user-generated content, remix culture, and transformative usage. These changes blur the lines between what constitutes fair use, leading to controversy and disagreement.
- **DMCA and Safe Harbor:** The DMCA's safe harbor provisions, while protecting online service providers, have been criticized for being overprotective, potentially weakening the rights of copyright owners.
- **International harmonization of copyright.** The global nature of the Internet requires international copyright agreements and harmonization efforts, which are often met by differences in copyright laws between countries.

Several solutions and approaches can help resolve online copyright issues:

- **Strengthening copyright protection in the digital sphere.** Improved tracking, detection, and international cooperation can help combat digital piracy while protecting the rights of content creators<sup>12</sup>.
- **Fair Use Guidelines for the Digital Age.** Guidelines and best practices for fair use

<sup>11</sup>Depoorter, B., and Parisi, F., 'Fair use and copyright protection: a price theory explanation', (2002) International Review of Law and Economics 21 453-473

<sup>12</sup>Depoorter B., and Vanneste, S., 'Norms and Enforcement: The Case Against Copyright Litigation', (2006), 84 Oregon Law Review 1127-1180

in the digital age can provide clarity on the definition of what constitutes fair use in the context of online content<sup>13</sup>.

- Modernizing copyright laws. Copyright laws must evolve to consider the digital environment. Legislation must consider issues such as licensing, streaming and digital ownership, adapting to the interests of creators and consumers<sup>14</sup>.
- Joint initiatives. Collaborative initiatives between copyright holders, Internet service providers and the public can create a balanced approach to online copyright. Initiatives such as Creative Commons provide a flexible framework for creators to share their work.

Protecting copyright online requires a multifaceted approach that includes legal, technological, and educational solutions:

Digital Rights Management (DRM). DRM technologies are designed to protect digital content from unauthorized access and distribution. They are commonly used in the music and e-book industries, but their effectiveness is a matter of debate.

Notification and Removal Procedures. The Digital Millennium Copyright Act (DMCA) and similar laws in other countries provide copyright holders with the ability to demand removal of infringing content from online platforms.

Site blocking and geo-blocking. Some countries have taken site blocking measures to limit access to websites that promote digital piracy. Geo-blocking involves restricting access to content based on the user's location.

Educational initiatives. Public awareness campaigns and educational initiatives aim to educate the public about copyright infringement and its consequences. These efforts promote legal alternatives and responsible online behavior<sup>15</sup>.

Legal Action: Copyright owners can take legal action against individuals or entities who infringe copyright. Remedies may include monetary damages and injunctive relief.

The international cooperation. Because the Internet operates across borders, international cooperation is essential to effectively combat digital piracy. Treaties and agreements such as the World Intellectual Property Organization (WIPO) Copyright Treaty aim to harmonize copyright protection globally<sup>16</sup>.

Content licensing and streaming services. Offering convenient and inexpensive legal alternatives to access content can reduce the attractiveness of piracy. Streaming services such as Netflix, Spotify and Amazon Prime Video have excelled in this regard<sup>17</sup>.

Blockchain technology. Blockchain technology has the potential to revolutionize copyright management by providing transparent and immutable records of ownership, making it easier to track and protect copyrighted content.

Although online copyright has many similarities to traditional copyright principles, there are some unique aspects and issues specific to the digital sphere:

Digital Rights Management (DRM). Digital rights management is a technology that allows content creators to protect their work from unauthorized use and distribution. It allows copyright holders to impose restrictions on access, copying and distribution of their content. However, DRM has become the subject of controversy due to concerns about fair use restrictions and the restrictions it places on consumers.

Open access movement. The Internet has given rise to the open access movement, which advocates for unrestricted access to scientific research and educational resources. It

<sup>13</sup>Dibble, W., 'Justifying intellectual property', (1994) *Philosophy & Public Affairs* 18(1) 31-52

<sup>14</sup>Dibble, W., 'Justifying intellectual property', (1994) *Philosophy & Public Affairs* 18(1) 31-52

<sup>15</sup>Dibble, W., 'Justifying intellectual property', (1994) *Philosophy & Public Affairs* 18(1) 31-52

<sup>16</sup>Fleischmann, E., 'The Impact of Digital Technology on Copyright Law', (1988) 70 *Journal of the Patent & Trademark Office Society* 5-26

<sup>17</sup>The Financial Times, 'Amazon acquires Lovefilm for £200 million', (2011), Available from: <http://www.ft.com/cms/s/0/9aa7315e-2482-11e0-8c0e00144feab49a.html>

challenges traditional copyright practices and promotes the free flow of knowledge, raising questions about how to balance copyright protection and open access<sup>18</sup>.

**User Generated Content (UGC).** User-generated content created by individuals on platforms such as YouTube, TikTok and social media often includes copyrighted material in a variety of ways. This blurs the lines between what constitutes fair use and leads to numerous legal disputes.

**Commons Licensing.** Creative Commons licenses provide a unique feature of copyright management on the Internet. These licenses provide a flexible structure that allows creators to grant users specific permissions while maintaining copyright protection. Creators can choose the specific terms under which their work can be used, distributed, or remixed, giving them greater control over their content.

**The public domain and the Internet.** The Internet has become a repository for public domain works. While traditional works eventually fall into the public domain after their copyright expires, many online initiatives aim to digitize and provide free access to older out-of-copyright material, expanding access to cultural heritage. Digital Millennium Copyright Act (DMCA)<sup>19</sup>: Passed into law in the United States in 1998<sup>20</sup>, the DMCA introduced unique provisions to address copyright issues on the Internet. It created a legal framework to combat online copyright infringement, including safe harbor provisions, takedown notices, and regulation of anti-circumvention technologies.

**Meme culture<sup>21</sup>.** Internet memes are a unique form of user-generated content, often consisting of copyrighted images, videos, or text with humorous or satirical messages. The interplay between copyright and meme culture

raises questions about fair use and transformative works.

Content created by artificial intelligence. With the advent of artificial intelligence, online copyright has taken on a new dimension. AI-generated content such as artwork, music, and even written articles raise questions about authorship, ownership, and the applicability of copyright law.

These unique aspects of online copyright demonstrate how the digital age has brought both exciting opportunities and complex challenges to the world of intellectual property. Navigating the digital landscape requires constant adaptation of copyright laws, ethical considerations, and innovative solutions to balance the interests of creators, consumers, and the public.

Online copyright is a dynamic and ever-evolving aspect of the digital world. As the Internet continues to connect people and content around the world, the challenges and opportunities of online copyright remain at the forefront of intellectual property discussions. Addressing these challenges requires a delicate balance between protecting the rights of creators and promoting innovation, collaboration and the exchange of ideas in an age when the Internet plays a central role in our daily lives. Copyright on the Internet aims not only to protect the creative work of individuals, but also to shape the digital landscape for future generations, ensuring that the principles of copyright continue to guide us across the digital frontier.

## Chapter II

### Objects of copyright on the Internet

The digital age has ushered in an era of unprecedented creativity, innovation and

Implied Authorization', (2010) 79 Fordham L Rev 435-498

<sup>20</sup> G legal protection of intellectual property: problems of theory and practice/Materials of the international scientific and practical conference (May 17–18, 2019)

<sup>21</sup>The Guardian, 'Forty years of the internet: how the world changed for ever', (2009), available from:

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<http://www.guardian.co.uk/technology/2009/oct/23/internet-40-historyarpanet>

information sharing on the global stage. At the heart of this transformative landscape lies the complex realm of copyright law—a legal framework designed to protect the rights of creators while promoting the spread of knowledge and culture. With the development of the Internet, copyright objects have expanded far beyond the traditional boundaries of printed books, paintings, and musical compositions. This expansion has created a complex web of rights, responsibilities, and issues intertwined with the diverse forms of content that populate the vast virtual space.

In this chapter of Copyright on the Internet, we take you on a journey to understand the rich variety of creative works eligible for copyright protection in the digital age. From the written word to the mesmerizing brushstrokes of digital art, from the harmonious melodies of musical compositions to intricate lines of computer code, this topic delves into the variety of types of content that copyright law seeks to protect.

It should be noted that the objects of such right have specific characteristics:

- creative nature of creation;
- objective form of its expression<sup>22</sup>.

That is, the object must be created precisely because of creative work and fixed on some material medium (in the form of an image, written, video or sound recording, volumetric-spatial) or expressed orally, but always in the form of a public speech. That is, for example, water patterns created because of the creative work of the author, which can be observed during the operation of the fountain, will not be the object of copyright. It protects only the fountain itself, since it has a volumetric-spatial objective form (stone, metal), and water patterns do not have it<sup>23</sup>.

A person who has copyright on a particular object, which is exclusive, has the sole right to use it and can prohibit the use of this object by third parties. Exclusive rights to a work arise when the author has not transferred them (that is, has not entered into an agreement

on the transfer of exclusive rights) to other persons.

A non-exclusive right means that the person who owns it can use the object of right created by the holder of exclusive rights, on an equal basis with him and other persons who have permission to use it in the same way. Non-exclusive rights arise when a copyright agreement is created unless it expressly provides otherwise.

Moral rights are personal rights (you cannot perform transactions with them as with property: buy, sell, transfer, give, inherit, etc.).

The Internet has become a limitless canvas for human expression, allowing creators to share their work with a global audience at the click of a button. It has also given rise to a host of complex issues, from digital piracy and fair use debates to issues of global enforcement and data sharing. Through this study, we will unravel these issues and explore how copyright principles adapt and interact with the objects they protect in the online world.

From traditional to innovative, from tangible to digital, Copyright on the Internet demonstrates the dynamic and ever-evolving nature of copyright in the digital age. This journey will explore the profound influence of the Internet on our creative culture, while highlighting the delicate balance between fostering innovation and respecting the rights of creators. In each chapter, we'll dive deeper into the specifics of different types of content, explore the challenges they face, and consider the solutions and adaptations needed to ensure that copyright remains a vital force in shaping the digital sphere.

As we navigate the complex paths of copyright in this digital world, we invite you to join us in understanding the vast amount of creative works woven into the fabric of the Internet. Together, we'll explore why copyright remains the cornerstone of innovation, artistic expression, and the exchange of ideas in our ever-connected world.

<sup>22</sup>Marina Makarova Copyright and the Internet Archived copy dated April 9, 2017, on the Wayback Machine // Science and Life. - 2017. - No. 4. - P. 34-37.

<sup>23</sup>Civil law. Textbook / edited by Sergeev A.P. - 2nd edition. - Prospekt Publishing House, 2016. - T. 3. - ISBN 9785392205585.

In the digital age, the scope of copyright extends far beyond traditional books, music, and films. The Internet has changed the way creative works are produced, distributed, and consumed. This chapter examines the various copyrights on the Internet, exploring the wide range of digital content and works that are eligible for copyright protection. Below we will try to discover the essence of copyright objects on the Internet.

Copyrights and their objects are generally divided into several categories:

- property and non-property rights;
- exclusive and non-exclusive rights.

A person who has copyright on a particular object, which is exclusive, has the sole right to use it and can prohibit the use of this object by third parties. Exclusive rights to a work arise when the author has not transferred them (that is, has not entered into an agreement on the transfer of exclusive rights) to other persons.

A non-exclusive right means that the person who owns it can use the object of right created by the holder of exclusive rights, on an equal basis with him and other persons who have permission to use it in the same way. Non-exclusive rights arise when a copyright agreement is created unless it expressly provides otherwise.

Moral rights are personal rights (you cannot perform transactions with them as with property: buy, sell, transfer, give, inherit, etc.).

The personal non-property rights of authors in civil law are formally recognized as inalienable and non-transferable, i.e., they can only be exercised by the author himself, they cannot be transferred under contracts to other persons. Their main purpose is to guarantee recognition of the author as the creator of his work, to provide the author with the opportunity to demand that his name be indicated when using the work, etc. Abroad, such rights are often called moral rights.

Moral rights belong to the author regardless of his property rights and are retained by him in the event of any transfer of any property rights. Moreover, as a general rule, personal non-property rights are valid indefinitely, that is, they must be respected even after the expiration of the property copyright,

when the work can be used freely by any interested parties. After the death of the author, the protection of his personal non-property rights can be carried out by his heirs, persons specially appointed by him, or a body authorized by the state.

The main purpose of property rights is usually considered to be to provide the author and his successors with the opportunity to receive income from the use of the work. It is property rights (with some exceptions) that can be transferred by the author to other persons or transferred to them on other grounds (inheritance, transfer of rights to a proprietary work, etc.).

The written word has taken a prominent place on the Internet. From blogs and articles to e-books and social media posts, writing works abound on the Internet. These digital texts are subject to copyright protection just like their printed counterparts, ensuring that authors have control over their creations and receive due credit for their efforts. Also, copyright arises in relation to an intangible object - a work that can be fixed on any tangible medium (printed in the form of a book, recorded in computer memory, etc.), or can be expressed orally. Copyright in a work and the right of ownership in the material medium on which this work is fixed, as a rule, exist independently of each other. The transfer of a tangible medium containing a work does not in itself entail a transfer of any copyright in that work. Thus, a person who bought a book can read it, and even, due to the principle of exhaustion of rights (see below), sell it or give it away, but he has no right, without the consent of the copyright holder, to create new copies of the purchased book, or to post it on the Internet, or carry out any other type of use of the work that is subject to exclusive copyright.

Images, illustrations, and photographs are widely shared online, from websites and social media platforms to online art galleries. Copyright extends to these visual works, giving artists and photographers the rights to their work. Licensing agreements such as Creative Commons offer flexible opportunities for sharing and collaborating on visual art.

The digital music industry has undergone a seismic shift with the advent of the Internet. Copyright protects musical compositions, lyrics, and sound recordings. Online music streaming services, digital downloads and user-generated content platforms raise complex issues of copyright infringement and licensing.

Video sharing platforms such as YouTube and Instagram have revolutionized the way we consume audiovisual content. Copyright applies to movies, TV shows, documentaries, and other video content. Licensing models, content identification systems, and fair use disputes often play a central role in this area.

Computer programs and software, which are the cornerstone of the digital world, are protected by copyright. Open-source software, which is often freely available and modifiable, operates under copyright licenses such as the General Public License (GPL). On the other hand, proprietary software requires strict copyright protection to protect intellectual property.

Databases and collections of information are valuable resources on the Internet. Copyright can protect the structure and selection of data in these databases, which can range from digital libraries to online encyclopedias.

The development of the Web and social networks has given users the opportunity to create and share their content. User-generated content, including memes, vlogs, and candy wrappers, raises questions about copyright ownership, fair use, and transformative works. Platforms often have content policies and terms of service that affect user rights.

Virtual worlds, massively multiplayer online games, and video games contain copyrighted elements, including software code, visual assets, and soundtracks. Licensing agreements, microtransactions, and interactions between creators and players all play an important role in this dynamic space.

Architectural designs and 3D printed objects that were once primarily physical have made their way into the digital realm. Copyright can protect architectural drawings and designs, while 3D printing raises questions about the reproduction of copyrighted physical objects.

The Internet is built on hyperlinks that connect web content. Copyright extends to web pages and the content they contain. Hyperlinks and embedded media are subject to copyright laws that affect the accessibility and sharing of digital information.

Copyright on the Internet is incredibly diverse, reflecting the ever-evolving landscape of creativity and innovation in the digital age. As we further explore copyright law on the Internet, it is critical to consider how these different forms of digital content are protected, shared, and sometimes challenged in the online environment. Subsequent chapters will examine specific issues and controversies associated with copyright in the digital sphere.

In conclusion, the exploration of general concepts of copyright and objects of copyright on the internet reveals the intricacies of protecting intellectual property in the digital age. Copyright, as a fundamental pillar of creative rights, plays a critical role in fostering innovation and artistic expression while safeguarding the interests of creators. The internet, with its vast and diverse landscape, serves as a canvas for countless forms of copyrighted content, from text to multimedia, software to databases. As we navigate this digital frontier, we must continue to strike a balance between the rights of creators and the public's access to knowledge and culture.

The theme has shed light on the challenges and opportunities presented by the online environment. From issues of digital piracy to the emergence of transformative works and user-generated content, the internet has pushed the boundaries of traditional copyright enforcement. Yet, it has also provided new avenues for collaboration, dissemination, and creative expression. The future of copyright on the internet lies in embracing these challenges and opportunities.

As we move forward, it is essential to adapt copyright laws to address the evolving digital landscape, ensuring that creators are fairly compensated for their work while allowing the public to benefit from the wealth of information and culture available online. Innovations like blockchain technology, fair use guidelines for the digital age, and international

cooperation will shape the future of copyright in this dynamic environment.

Ultimately, the theme emphasizes that copyright on the internet is not merely a legal framework; it is a social contract that seeks to encourage the creation of new knowledge and culture while respecting the rights of those who contribute to this rich tapestry of human expression. Finding this equilibrium remains a continuous journey, and it is through understanding general copyright concepts and the ever-expanding array of objects of copyright that we can navigate this digital frontier with wisdom and fairness. The future of copyright on the internet reflects our commitment to both protecting the fruits of human creativity and ensuring that they enrich the lives of all.

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