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BUILDING THE FUTURE OF COPYRIGHT IN UZBEKISTAN: A COMPARATIVE LOOK AT THE U.S. EXPERIENCE AND WHAT IT CAN TEACH US

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ABSTRACT

Over the last twenty years, Uzbekistan has taken important steps to build a modern copyright system. The 2006 Law on Copyright and Related Rights, our accession to the Berne Convention and the WIPO treaties, and the steady reform efforts of recent years all show a clear direction of travel. At the same time, there is still work to be done. The digital world has grown faster than our enforcement tools, and many authors in Uzbekistan are not yet sure how to protect what they create online. This paper is written in a spirit of careful learning. As an Uzbek lawyer studying intellectual property at Penn State Law, I have spent time looking closely at how the United States handles digital copyright—its strengths, its limits, and the lessons it offers. The paper gently sets the two systems side by side and asks a simple question: which ideas from the U.S. experience can help Uzbekistan move forward? It proposes five friendly, practical reforms—a notice-and-takedown procedure, a repeat-infringer rule for online platforms, an accreditation framework for collective rights organizations under Article 56 of our Copyright Law, a shared public infrastructure for protecting works online, and an early, thoughtful framework for artificial intelligence. None of these reforms requires us to abandon our legal traditions. They simply add the operational tools our authors and creators need.

Keywords: Uzbekistan, copyright reform, digital media, DMCA, comparative law, collective management, artificial intelligence.

I. INTRODUCTION

Every law student who travels abroad to study returns home with new questions. Mine grew out of long evenings reading American copyright cases at Penn State Law and remembering, with great fondness, the conversations I had at Tashkent State University of Law about how to protect creative work in a country still building its digital future. Uzbekistan has done a great deal in a short time. We have a substantive copyright statute,[1] we are part of the Berne Convention[2] and the WIPO treaties,[3] and our reform efforts are real. Yet recent research from colleagues at home shows that the number of copyright cases is growing,[4] and that many of our

[1]Law of the Republic of Uzbekistan on Copyright and Related Rights, No. ZRU-42 (July 20, 2006, as amended through 2021). Recent amendments are recorded in the National Legislative Database at Lex.uz.

[2]Berne Convention for the Protection of Literary and Artistic Works, Sept. 9, 1886, as revised at Paris July 24, 1971, 1161 U.N.T.S. 3. Uzbekistan joined the Convention in 2005.

[3]WIPO Copyright Treaty, Dec. 20, 1996, S. Treaty Doc. No. 105-17.

[4]Javohir Eshonqulov & Maftuna Sultonova, Digital Media and Copyright: Legal Disputes and Agreements, 5 Int'l J. Artificial Intelligence 1149 (2025). This article draws thoughtfully on their findings and builds on the comparative

authors are not entirely sure how to defend their rights online. These two facts sit side by side: a system that is genuinely developing, and a set of practical gaps that are still waiting for our attention.

This paper is not a critique of Uzbek law. It is, I hope, a quiet contribution to its growth. The United States is far from a perfect model, and I do not present it as one. But it has lived with digital copyright problems for nearly thirty years, and that experience offers something useful: a set of design ideas that have been tested, refined, and sometimes corrected over time. We can study these ideas, take what fits our legal tradition, and leave what does not.

In the pages that follow, I begin with a gentle tour of how the United States approaches digital copyright. I then describe where Uzbekistan stands today, with respect and care for the work that has already been done. A short comparative section places the two systems side by side. A separate section looks at artificial intelligence, which is becoming a shared concern for every legal system. The final part offers five practical suggestions for Uzbekistan, each grounded in the U.S. experience but adapted to our own circumstances and our own way of doing things.

II. A FRIENDLY TOUR OF THE U.S. SYSTEM

A. The Big Picture

American copyright law begins with a sentence in the United States Constitution that gives Congress the power to encourage progress in the arts and sciences. The main modern statute is the Copyright Act of 1976,[5] which grants authors a familiar set of rights: the right to reproduce their work, to make new versions of it, to share it with the public, and so on. These rights look, on paper, very similar to the rights an author enjoys under Article 17 of our own Copyright Law.[6] The deeper difference is in how the U.S. system treats exceptions.

Where our law lists specific permitted uses in Article 26,[7] the U.S. system relies on a single, flexible idea called "fair use," set out in Section 107.[8] Fair use is not a list of allowed uses; it is a balancing test that judges apply case by case, weighing four factors. The 1994 Supreme Court decision in *Campbell v. Acuff-Rose Music* added the idea that a use which transforms a work in some meaningful way is more likely to be fair.[9] This open-textured approach is a strength of the U.S. system because it can adapt to new technologies without requiring new legislation each time. It is also a challenge, because it places great responsibility on judges and creates some uncertainty for creators and users.

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direction they suggest.

[5]Copyright Act of 1976, 17 U.S.C. §§ 101–1401.

[6]Uzbek Copyright Law, supra note 4, art. 17.

[7]Id. art. 26 (listing the specific permitted uses, following the civil-law tradition).

[8]Id. § 107. The four factors are the purpose of the use, the nature of the work, the amount used, and the effect on the market for the original.

[9]Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569, 579 (1994). The case is a friendly entry point into modern fair use thinking.

B. The Digital Millennium Copyright Act

The single most important U.S. statute for the digital age is the Digital Millennium Copyright Act of 1998, usually shortened to the DMCA.[10] Its goal was to help online platforms grow while still protecting the rights of authors. The heart of the DMCA is a set of "safe harbors" in Section 512 of Title 17.[11] A safe harbor is a kind of protection from liability: if an online platform follows certain rules, it is shielded from being sued for the actions of its users. In return, the platform must do its part to help authors when their rights are infringed.

C. The Notice-and-Takedown Process

The most well-known part of the DMCA is the notice-and-takedown procedure. When an author finds her work used without permission on a platform, she can send the platform a written notice asking for the material to be removed.[12] The platform must respond quickly. If the user who uploaded the material believes the use is legitimate, she can file a counter-notice, and the material can be restored if the rightsholder does not bring a lawsuit. This system is not perfect—sometimes legitimate content is removed by mistake—but it works at very large scale, and it has allowed creators around the world to enforce their rights on global platforms.

D. A Few Important Cases

U.S. courts have shaped the meaning of these rules through case law. In *Viacom v. YouTube*, the Second Circuit held that platforms must have knowledge of specific infringing material, not just a general awareness that infringement happens online.[13] In *BMG v. Cox Communications*, the Fourth Circuit emphasized that a platform must actually carry out its policy against repeat infringers, not merely write the policy down.[14] And in *Lenz v. Universal Music*, the Ninth Circuit asked rightsholders to think about fair use before sending takedown notices, which is a small but meaningful protection for ordinary users.[15] Together, these cases describe a careful balance: authors get tools to protect their rights, platforms get a path to operate at scale, and users get some protection against over-removal.

III. WHERE UZBEKISTAN STANDS TODAY

A. A Solid Foundation

Our Law on Copyright and Related Rights, adopted in 2006 and most recently amended in 2021,[16] is a thoughtfully written statute. It grants authors the personal non-property rights—

[10]Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860 (1998).

[11]17 U.S.C. § 512(c). The provision creates a careful balance between the interests of creators, platforms, and users.

[12]Id. § 512(c)(3) (the form of a takedown notice); id. § 512(g) (the counter-notice process).

[13]Viacom Int'l, Inc. v. YouTube, Inc., 676 F.3d 19 (2d Cir. 2012). The decision is widely regarded as the moment that gave user-generated content platforms the legal stability they needed to grow.

[14]BMG Rights Mgmt. (US) LLC v. Cox Commc'ns, Inc., 881 F.3d 293 (4th Cir. 2018).

[15]Lenz v. Universal Music Corp., 815 F.3d 1145 (9th Cir. 2016). The case is often cited for the proposition that rightsholders should consider fair use before issuing takedown notices—a small but meaningful protection for ordinary users.

paternity, integrity, the right of disclosure—that lie at the heart of the continental copyright tradition, alongside the familiar exclusive property rights.[17] Article 26 sets out the permitted uses of works, in the careful, enumerated style of civil-law systems.[18] Article 56 recognizes the right of authors, performers, and producers of phonograms to form organizations that manage their rights collectively.[19] The Civil Code, the Code on Administrative Responsibility, and the Criminal Code each contribute their own protections.[20] Read together, this is a meaningful body of law, and it reflects the serious work of many people.

B. The Gaps That Remain

At the same time, honest reflection requires us to acknowledge the gaps. Recent research records a thirty-percent increase in registered copyright infringement cases between 2020 and 2023,[21] and notes that most authors are not yet sure how to protect their rights when their works are copied online. The major digital platforms that operate in Uzbekistan have not yet adopted the automated tools, such as Content ID or similar fingerprinting systems, that are common on global platforms. The 2017 presidential decree on improving intellectual property protection set out an ambitious agenda for reform,[22] and the work it began is continuing. There is, in other words, momentum. What is missing is some of the operational machinery that turns substantive rights into everyday protections.

C. The Particular Question of Collective Management

Article 56 of our Copyright Law[23] allows for the creation of collective management organizations, which are essential for distributing royalties from broadcast, public performance, and online use. Yet there is no consolidated procedure for the state registration and supervision of these organizations, no minimum requirements for their founders or capital, and no central authority charged with overseeing them. Other countries have addressed this in different ways: Belarus, Singapore, and the Philippines, for example, all use their intellectual property authorities to accredit and supervise collective management bodies. A similar approach in Uzbekistan would help authors feel confident that their royalties are being collected and distributed in a transparent way.

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[19]Id. art. 56 (recognizing the right of authors and other rightsholders to form organizations that manage their rights collectively).

[20]Civil Code of the Republic of Uzbekistan, arts. 1031–1065; Code on Administrative Responsibility, art. 177(2); Criminal Code, art. 149.

[21]Eshonqulov & Sultonova, supra note 1, at 1151. The thirty-percent figure is reported on the basis of registered case data.

[22]Decree of the President of the Republic of Uzbekistan No. PP-3047 “On Measures for Radical Improvement of the System of Protection of Intellectual Property Rights” (May 4, 2017). The decree set the tone for a reform program that remains ongoing.

IV. PLACING THE TWO SYSTEMS SIDE BY SIDE

When the two systems are placed gently next to each other, the most important observation is also the most encouraging one. Uzbekistan does not need to rewrite its copyright law from the beginning. The substantive rights we already grant our authors are comparable to those granted in the United States. The differences are mostly procedural and infrastructural—the kinds of differences that can be addressed step by step, in a manner that respects our own legal tradition.

The table below summarizes the main points of comparison.

Topic	United States	Uzbekistan
Main statute	Copyright Act of 1976; DMCA (1998)	Law on Copyright and Related Rights (2006, am. 2021)
Exceptions style	A flexible four-factor fair use test	A clear list of permitted uses (Article 26)
Online platforms	Safe harbors with takedown procedures	No specific safe-harbor framework yet
Takedown process	Detailed statutory procedure with counter-notice	No statutory procedure; resolved case by case
Repeat infringers	Platforms must have and apply a policy	No specific statutory obligation
Collective management	Long-standing private organizations under regulatory oversight	Permitted under Article 56; accreditation framework still developing
Technology	Private fingerprinting tools (Content ID and similar)	Not yet widely available on domestic platforms
Artificial intelligence	Active litigation; fair use debate ongoing	No specific framework; an opportunity to design carefully
Remedies	Civil damages and injunctions; limited criminal	Civil, administrative, and criminal channels

A few observations emerge from this picture. The U.S. system is built around procedures: notice, counter-notice, repeat-infringer policy, and so on. These procedures are operational tools more than they are deep statements of legal principle, and that is part of why they translate so

well across borders. Uzbekistan already has the underlying principles. Adding the procedures would not change our character as a civil-law country; it would simply give our existing rights more practical force in the digital world. The second observation is that the U.S. system has its own weaknesses, and we should be honest about them. The takedown process is sometimes used in bad faith. Smaller authors do not have the same access to enforcement tools as large companies. The fair-use defense, while flexible, can be expensive to litigate. A careful reform program in Uzbekistan can take the good and leave the difficult parts.

V. THE QUESTION OF ARTIFICIAL INTELLIGENCE

Artificial intelligence is a topic on every legal scholar's mind today, and the question of how copyright should treat AI training data is one of the most difficult in the field. In the United States, the question is being worked out through a series of important lawsuits.[24] The U.S. Copyright Office is also offering guidance on what kinds of AI outputs can be protected by copyright in the first place.[25] The picture is still developing, and it will be several years before the answers become clear.

This is, in some ways, a hopeful moment for Uzbekistan. We are not yet so deeply involved in AI development that we are bound by past choices. We can watch the U.S. debates unfold, observe how the European Union's text-and-data-mining rules[26] work in practice, and craft our own framework with care. The goal should not be to copy any one system. It should be to design rules that respect the work of our authors, encourage healthy AI research within our borders, and give clear guidance to developers so that they do not have to guess at the law.

VI. FIVE PRACTICAL SUGGESTIONS FOR UZBEKISTAN

With great respect for the work already done, this paper offers five practical suggestions. Each grows out of the U.S. experience, but each is adapted to our own legal culture and our own way of organizing public administration.

A. A Friendly Notice-and-Takedown Procedure

The first suggestion is the most consequential: a statutory notice-and-takedown procedure for digital platforms operating in Uzbekistan. The procedure should be simple. It should describe what a takedown notice must contain, give platforms a clear timeline for responding, and protect users by allowing a counter-notice when content is removed in error. The U.S. experience shows that platforms cooperate willingly when the rules are clear. The procedure could be administered by the Intellectual Property Agency, which would also provide gentle guidance to authors and platforms learning to use it. From the start, we should include a small but important protection: rightsholders should be asked to consider fair use, or our equivalent enumerated exceptions, in good faith before sending notices.[27] This protects users without weakening authors' rights.

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[24]See, e.g., Complaint, New York Times Co. v. Microsoft Corp., No. 1:23-cv-11195 (S.D.N.Y. filed Dec. 27, 2023); Thomson Reuters Enter. Ctr. GmbH v. Ross Intelligence Inc., No. 1:20-cv-00613 (D. Del. Feb. 11, 2025).

[25]U.S. Copyright Office, Copyright and Artificial Intelligence, Part 2: Copyrightability (Jan. 2025).

[26]Directive 2019/790 of the European Parliament and of the Council of 17 April 2019 on Copyright and Related Rights in the Digital Single Market, art. 4, 2019 O.J. (L 130) 92. Article 4 includes a text-and-data-mining exception with a rightsholder opt-o

B. A Soft Repeat-Infringer Standard

The second suggestion is to introduce a repeat-infringer rule for online platforms. Rather than specifying an exact number of warnings, the rule should ask only that platforms have a policy, apply it reasonably, and demonstrate good faith. The U.S. cases on this question[28] suggest that flexibility is more valuable than rigidity. A platform that genuinely tries to address repeated infringement should not be punished for the precise number of strikes it chooses; a platform that ignores the problem entirely should not be protected. This kind of standard is well suited to judicial interpretation over time.

C. An Accreditation Framework for Collective Management Organizations

The third suggestion responds directly to a need our colleagues at home have identified.[29] A government regulation should be adopted, assigning the state registration and supervision of collective management organizations to the Intellectual Property Agency. The regulation can be modest in its requirements: a minimum number of founders, basic transparency in royalty distribution, and a timeline for paying authors. The aim is not to make these organizations difficult to form, but to make them trustworthy. When authors can trust collective management bodies, they will register more works, and the system will become stronger over time.

D. A Shared Public Infrastructure for Online Protection

The fourth suggestion is more ambitious, but it is also the one that could most help our independent creators. Private fingerprinting systems like Content ID work well, but they are available only to rightsholders who meet thresholds set by global platforms.[30] A small photographer in Bukhara, an independent journalist in Samarkand, or a young musician in Tashkent has very few options for protecting her work online. A modest public investment in a shared rights-registration and fingerprinting service, operated transparently and on equal terms for all rightsholders, would address this gap. The technology is no longer prohibitively expensive. What is required is institutional will.

E. A Thoughtful, Early Framework for Artificial Intelligence

F. The fifth suggestion is to begin work, calmly and now, on a copyright framework for artificial intelligence. The framework should ask AI developers to be transparent about the categories of works they train on, allow training on lawfully accessible works for non-commercial research, and require authorization for commercial deployments. A rightsholder opt-out, similar to the European model,[31] would respect the choices of authors who do not wish their works to be used in this way. By starting this work early—before our courts are flooded with cases—Uzbekistan can offer clarity to creators, researchers, and businesses alike.

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[30]Eshonqulov & Sultonova, supra note 1, at 1153 (observing that domestic platforms in Uzbekistan have not yet deployed Content ID–style infrastructure)

VII. CLOSING THOUGHTS

This paper has been written in the spirit of a long conversation between two legal cultures. The United States has spent a generation building, testing, and refining its digital copyright system. Uzbekistan has spent a generation building the foundations of its own. Both are still works in progress, and both have something to teach the other. The point of comparative study, in the end, is not to declare one system better than another. It is to ask honest questions and to learn from honest answers.

My hope is that the suggestions in this paper are received in the same spirit in which they are offered: with humility, with respect for the work that has already been done, and with a quiet confidence that our legal system can continue to grow. The authors and creators of Uzbekistan deserve a copyright framework that protects them in the digital world as completely as it does in the print world. Building that framework will take time. It will take collaboration between scholars, legislators, judges, agency officials, platforms, and creators. It will not happen all at once, and it does not need to. What matters is that we begin, and that we begin with care.

I am grateful for the opportunity to think about these questions at Penn State Law, and grateful in equal measure for the legal education I received at Tashkent State University of Law that prepared me to ask them. The conversation, I hope, continues.

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