



RAQAMLI MUHITDA JURNALISTIK ASARLARNI FUQAROLIK-HUQUQIY HIMOYA QILISH

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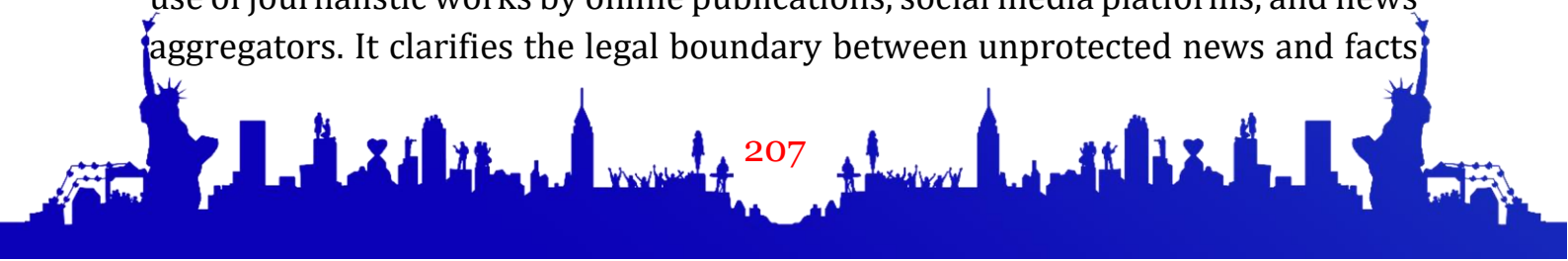
Annotatsiya. Mazkur tezisdagi internet nashrlari, ijtimoiy tarmoqlar va axborot agregatorlarida jurnalistik asarlardan ruxsatsiz foydalanishga qarshi fuqarolik-huquqiy himoya tahlil qilinadi. Oddiy xabar va faktlar bilan jurnalistning ijodiy ifoda shakli o'rtasidagi huquqiy chegara aniqlashtiriladi. Amaldagi himoya usullarining raqamli muhitdagi tezkorlik muammosi ko'rsatilib, sudgacha elektron xabarnoma, vaqtincha cheklash, qarshi xabarnoma va elektron dalillarni saqlashdan iborat muvozanatli tartib taklif etiladi. Mazkur mexanizm huquq egasining manfaatlarini himoya qilish bilan birga qonuniy axborot almashinuvi va noto'g'ri talabdan himoyalash kafolatlarini ta'minlaydi.

Kalit so'zlar: jurnalistik asar, ruxsatsiz foydalanish, elektron xabarnoma, qarshi xabarnoma, raqamli dalil, internet platformasi, fuqarolik-huquqiy himoya.

Аннотация. В тезисе анализируется гражданско-правовая защита от несанкционированного использования журналистских произведений в интернет-изданиях, социальных сетях и информационных агрегаторах. Уточняется правовая граница между обычными сообщениями и фактами, с одной стороны, и охраняемой творческой формой выражения журналиста — с другой. С учётом недостаточной оперативности существующих способов защиты предлагается сбалансированная процедура, включающая электронное уведомление, временное ограничение доступа, встречное уведомление и сохранение электронных доказательств. Данный механизм сочетает защиту интересов правообладателя с гарантиями законного обмена информацией и защиты от необоснованных требований.

Ключевые слова: журналистское произведение, несанкционированное использование, электронное уведомление, встречное уведомление, цифровое доказательство, интернет-платформа, гражданско-правовая защита.

Abstract. This thesis examines civil-law protection against the unauthorized use of journalistic works by online publications, social media platforms, and news aggregators. It clarifies the legal boundary between unprotected news and facts





and the journalist's protected creative expression. In response to the limited speed of existing remedies in the digital environment, it proposes a balanced procedure consisting of electronic notice, temporary restriction of access, counter-notice, and preservation of electronic evidence. The proposed mechanism combines protection of the right holder's interests with safeguards for lawful information exchange and protection against unfounded claims.

Keywords: journalistic work, unauthorized use, electronic notice, counter-notice, digital evidence, online platform, civil-law protection.

Introduction

Once a journalistic work is published online, it can easily be copied, posted under a different headline, stripped of the author's name, or reproduced in full on a social media page. The consequences spread rapidly: the copy is indexed by search engines, duplicated by other pages, and separated from its original source. Although judicial protection remains essential, reliance solely on a final court decision does not correspond to the speed of digital dissemination. The central problem is therefore not the invention of an entirely new civil-law remedy, but the creation of a rapid, evidence-based, and abuse-resistant pre-trial procedure for exercising existing rights.

Not every act of copying information constitutes copyright infringement. Under Article 8 of the Law "On Copyright and Related Rights," daily news and reports on current events having the character of ordinary press information are not protected copyright works¹. Nevertheless, the fact that an event or fact itself is free for use does not permit the copying of a journalist's individual text structure, analysis, commentary, figurative expression, sequence of questions, photographs, or audiovisual composition. Copyright protects creative expression rather than the underlying fact.

Legal analysis

The legal assessment of digital republication should be conducted in two stages. First, it must be determined whether the copied material constitutes protected expression or merely unprotected information. Reporting the same fact in independently chosen words differs from reproducing another author's original structure and distinctive formulations. Second, it must be established whether the use falls within a statutory exception. Article 26 of the Law requires acknowledgment of the author and source, use limited to the extent justified by the purpose, and respect for the normal exploitation of the work. The quotation

¹ Law of the Republic of Uzbekistan "On Copyright and Related Rights", 20 July 2006, Art. 8.





exception does not justify reproducing an entire article on another page in a form that eliminates the reader's need to consult the original source².

Removal of the author's name may harm two distinct interests. The first is the author's moral right to be identified. The second concerns preservation of rights-management information identifying the author or right holder. Article 64 of the Law prohibits the unauthorized removal or alteration of such information and the reproduction or distribution of works from which that information has been removed³. Providing an active link to the original source is useful, but does not by itself authorize complete reproduction; attribution is only one condition of lawful use.

Distribution of an altered version cannot be assessed solely through economic rights. If the content or context is changed while the author's name is retained, both the adaptation right and the author's moral rights may be affected. Paragraph 18 of Resolution No. 19 of the Plenum of the Supreme Court confirms that an author retains the right to protect moral rights even after transferring economic rights⁴. The person entitled to submit a notice must therefore be identified according to the right concerned: the author may act in relation to moral rights, while the holder of the relevant exclusive right may act in relation to unauthorized methods of use.

Article 65 of the Law enables the author or another right holder to demand recognition of the right, restoration of the position existing before the infringement, cessation of infringing conduct, recovery of damages, or payment of statutory compensation in place of damages⁵. These remedies apply to online infringements as well. However, national legislation does not establish the required contents of a notice sent to an online intermediary, the time limit for reviewing it, the conditions for temporary restriction, or the procedure by which the person who uploaded the content may object. Platforms therefore apply inconsistent internal rules, while right holders cannot predict what evidence their requests must contain.

Section 512 of the United States Copyright Act provides a structured notice-and-counter-notice model. A valid notice identifies the protected work and

² Law of the Republic of Uzbekistan "On Copyright and Related Rights", 20 July 2006, Art. 26.

³ Law of the Republic of Uzbekistan "On Copyright and Related Rights", 20 July 2006, Art. 64.

⁴ Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On Certain Issues Concerning the Consideration of Intellectual Property Cases", No. 19, 23 June 2023, para. 18.

⁵ Law of the Republic of Uzbekistan "On Copyright and Related Rights", 20 July 2006, Art. 65.





disputed material, provides contact information, and contains statements of good-faith belief and authority. The uploader may submit a counter-notice where removal resulted from mistake or misidentification⁶. Article 17 of Directive (EU) 2019/790 likewise requires complaint and redress mechanisms in the platform environment⁷. These models should not be transplanted mechanically, but their procedural safeguards may be adapted to the civil-law system of Uzbekistan.

Proposed legal mechanism

We propose a five-element mechanism. First, the right holder should send an electronic notice identifying the claimant and the legal basis of authority, the original work, the exact URL of the disputed material, the right allegedly infringed, the requested measure, and a declaration that the information supplied is accurate. An undefined demand to remove “all copies on the Internet” should not be sufficient.

Second, the platform should conduct a preliminary formal review and, in clear cases of complete copying or removal of authorship information, temporarily restrict access. The platform should not decide the merits of the dispute as a court. Where the claim concerns a short extract, commentary, or use of facts and a reasonable legal dispute exists, the notice should first be forwarded to the uploader instead of triggering automatic removal.

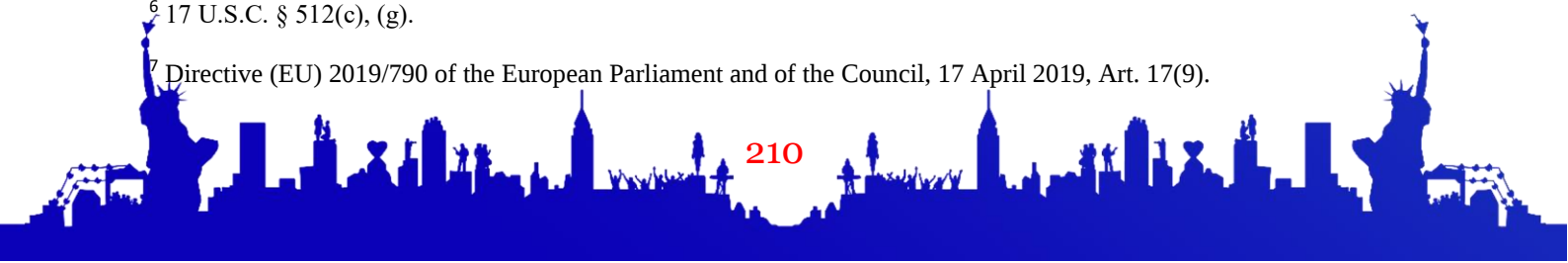
Third, the uploader should have a right to submit a counter-notice showing a contractual basis for use, absence of copyright protection, applicability of a statutory exception, or misidentification of the material. The counter-notice should be forwarded to the claimant. If the claimant does not demonstrate that court proceedings have been commenced within the prescribed period, the temporary restriction should be lifted. The notice must therefore remain an interim protective measure rather than a final determination of liability.

Fourth, a person who knowingly submits false information, asserts rights in a work that the person does not control, or uses the procedure to suppress criticism should compensate the harm caused to the other party. A platform that follows the statutory procedure in good faith should not automatically be liable for the content, but failure to comply with a court order or a complete and substantiated notice may be assessed under the general rules of civil liability.

Fifth, electronic evidence must be preserved before access is restricted. The relevant material should include the URL, visual state of the page, publication and

⁶ 17 U.S.C. § 512(c), (g).

⁷ Directive (EU) 2019/790 of the European Parliament and of the Council, 17 April 2019, Art. 17(9).





modification times, account identifier, and available metadata. A screenshot may show the content, but does not always establish when and where it was captured. It should therefore be evaluated together with the web address, electronic file, platform or server records, correspondence, and, where necessary, an expert opinion.

Conclusion

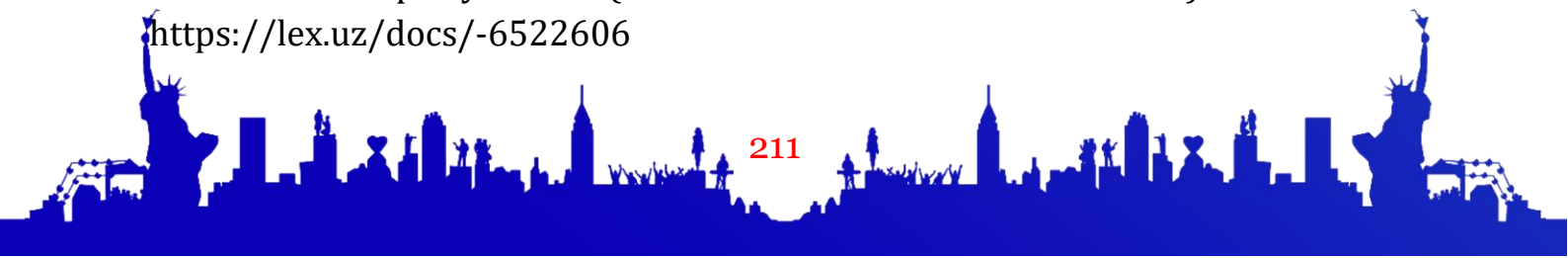
We propose supplementing the Law “On Copyright and Related Rights” with a provision entitled “Notice to an Information Intermediary of an Infringement and Objection to the Notice.” The provision should regulate the mandatory contents of the notice, its transmission to the uploader, temporary restriction in clear cases, counter-notice, the time limit for commencing court proceedings, preservation of electronic evidence, and the consequences of knowingly submitting a false notice.

The legal effect of this mechanism would not be the final administrative prohibition of material. It would connect rapid cessation of an alleged infringement with subsequent judicial protection. The counter-notice and requirement to commence proceedings would protect lawful users, while preservation of evidence would ensure that the dispute remains capable of judicial examination.

Effective protection of journalistic works in the digital environment requires a clear distinction between facts and creative expression, rejection of the view that complete unauthorized copying is equivalent to quotation, and recognition that attribution does not replace authorization. Existing civil-law remedies should be supplemented by a structured electronic notice, temporary restriction, counter-notice, liability for knowingly false claims, and preservation of electronic evidence. Such a model would provide rapid protection without turning the platform into a court or unjustifiably restricting lawful information exchange.

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