

**LEGAL REGULATION OF DIGITAL CONTENT AND INTERNET COPYRIGHT:
UZBEKISTAN IN COMPARATIVE PERSPECTIVE****Nuriddin Khudoyberdiev**LL.M., Penn State Law, The Pennsylvania State University,
USA; LL.M. and LL.B., Tashkent State University of Law, Uzbekistan.n.khudoyberdiev.law@gmail.com**Abstract**

The regulation of digital content and online copyright poses a layered challenge: substantive rights must be recalibrated for borderless distribution, intermediaries must be allocated calibrated duties, and enforcement must keep pace with technological change without curtailing legitimate expression. This article examines Uzbekistan's evolving framework for digital content and copyright and situates it against four comparator regimes: the United States, the European Union, China, and the Russian Federation. It traces Uzbekistan's alignment with international norms — accession to the Berne Convention in 2004 and to the WIPO Internet Treaties in 2019, followed by the 2021 statutory amendments — and assesses the gap between formal protection and effective enforcement. The comparative analysis identifies four distinct regulatory philosophies: the U.S. safe-harbour model under the DMCA, the EU shift toward platform accountability through the Digital Single Market Directive, China's administrative-led enforcement, and Russia's site-blocking regime. The article argues that Uzbekistan should pursue a calibrated middle path that combines a dedicated copyright notice-and-takedown procedure, due-process safeguards against overreach, statutory recognition of flexible user exceptions, and active support for legitimate digital markets.

Keywords: digital content, internet copyright, Uzbekistan, comparative law, online piracy, safe harbour, platform liability, AI-generated works.

1. Introduction

Digital technologies have transformed the economics and the geography of copyright. Works that once travelled in physical copies now move across networks at near-zero marginal cost, and acts that were formerly local — copying, distribution, performance — have become inherently transnational. Legislators worldwide have responded by extending exclusive rights into the online environment, allocating responsibilities to internet intermediaries, and devising remedies suited to the speed and scale of digital infringement. The resulting frameworks differ markedly in design, but they share a common task: striking a defensible balance between the legitimate interests of authors and rightsholders, the operational realities of online platforms, and the public's interest in access, expression, and innovation.

Uzbekistan offers a particularly instructive case study. As a post-Soviet jurisdiction integrating into the global intellectual property system, the country has undertaken a sustained programme of legislative modernization since the mid-2000s. The Law of the Republic of Uzbekistan on Copyright and Related Rights (2006), together with the relevant chapters of the Civil Code, supplies the substantive backbone. International integration has proceeded in stages: accession to the Berne Convention (effective 2005), to the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty in 2019, and statutory amendments in 2021 that extended the term of protection to seventy years post mortem auctoris. Despite this trajectory, enforcement against online infringement remains uneven, and the country continues to appear on watch lists maintained by foreign trading partners.

A comparative lens clarifies both the strengths and the limitations of the Uzbek approach. The United States, through the Digital Millennium Copyright Act (DMCA) of 1998, fashioned a notice-and-takedown safe-harbour regime that became a template for much of the world. The European Union, after a long period of intermediary-friendly regulation under the E-Commerce Directive, recalibrated toward platform accountability in the 2019 Copyright in the Digital Single Market Directive. China has built a hybrid system that pairs modernized statutes with vigorous administrative enforcement. Russia has pioneered fast-track judicial blocking of infringing websites. Each regime embodies a distinctive philosophy about how the burden of online copyright enforcement should be distributed.

This article addresses four research questions. First, what is the current architecture of Uzbekistan's copyright and digital-content regulation, and how effective is it in practice? Second, how do its substantive rules and enforcement mechanisms compare with those of the four comparator jurisdictions? Third, how are emerging issues — in particular, AI-generated works — being treated across these systems? Fourth, what evidence-based reforms can be recommended for Uzbekistan? Section 2 outlines the methodology. Section 3 presents Uzbekistan's framework. Section 4 surveys the comparator regimes. Section 5 distils cross-cutting themes. Section 6 advances concrete recommendations. Section 7 concludes.

2. Methodology

The study employs a qualitative, comparative doctrinal methodology, supplemented by review of secondary empirical sources. Primary materials include national legislation (in particular, Uzbekistan's Law on Copyright and Related Rights and the relevant provisions of the Civil Code), Title 17 of the United States Code and the DMCA, EU Directive 2001/29/EC and Directive (EU) 2019/790, the People's Republic of China Copyright Law (as amended 2020), and Russian Federal Law No. 187-FZ and its subsequent amendments. International instruments — the Berne Convention, the TRIPS Agreement, and the WIPO Internet Treaties — supply the comparative baseline.

Secondary materials include peer-reviewed scholarship, reports of intergovernmental and trade bodies, government statistics, and analyses by national law firms. Where empirical claims are made — for example, regarding piracy prevalence or blocking volumes — sources are identified in the bibliography. The study does not involve human subjects or proprietary data, and therefore did not require ethics clearance. Limitations should be acknowledged: legislative texts in Uzbek, Chinese, and Russian were consulted in translation, and empirical data for Uzbekistan in particular are sparse, so observations regarding enforcement intensity are necessarily provisional.

3. Uzbekistan: Framework, Reform, and Enforcement

3.1 Substantive Law

The Law on Copyright and Related Rights of 2006 protects literary, artistic, musical, audiovisual, and software works, together with databases and a range of related-rights objects. Authors enjoy a familiar bundle of economic rights — reproduction, distribution, public performance, broadcasting, communication to the public — as well as moral rights of attribution and integrity. The Civil Code supplies the contractual and proprietary framework for the assignment and licensing of these rights. The 2021 amendments extended the term of protection to seventy years post mortem auctoris, aligning Uzbek law with the standard of the European Union, the United States, and the Russian Federation, and exceeding the Berne minimum.

Institutionally, the Department for Intellectual Property under the Ministry of Justice administers voluntary registration and coordinates legislative development. Registration is not a precondition for protection, in conformity with Berne, but functions as an evidentiary aid in litigation. The 2022 National Intellectual Property Strategy identifies online enforcement and public awareness as priority workstreams.

3.2 International Commitments

Uzbekistan acceded to the Berne Convention with effect from 2005, instituting automatic protection without formalities and national treatment for foreign works. Accession to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty in 2019 brought formal recognition of the right of communication to the public over interactive networks, and obligations to protect technological protection measures and rights-management information. These commitments, in combination with the country's intended accession to the World Trade Organization, drove the 2021 statutory amendments.

3.3 Enforcement Mechanisms

Uzbek law provides a graduated enforcement scheme. Civil remedies include injunctions, damages, and seizure of infringing copies and equipment. Administrative penalties — fines and confiscation — are available for minor infringements. Serious or commercial-scale infringement may trigger criminal liability, including imprisonment in egregious cases. In 2020, the government adopted a content-removal procedure applicable to a wide range of unlawful online content. Under that procedure, the Center for Mass Communications within the Agency of Information and Mass Communications may notify a site owner or publisher to remove identified content within twenty-four hours; non-compliance may result in technical blocking. The procedure is content-neutral: it applies to copyright infringement as well as to other categories of prohibited material, from hate speech to defamation.

This generalised notice mechanism is useful for speed but is not a dedicated copyright procedure. It lacks the structured counter-notice and put-back features of the DMCA, and the absence of subject-matter specificity raises a risk of misclassification and overreach. From a rule-of-law perspective, copyright takedowns benefit from procedural specialization — clear identification of the work, the rightsholder, and the allegedly infringing material, together with an accessible mechanism for the recipient to contest the notice.

3.4 Empirical Observations

Reliable empirical data on Uzbek online piracy are sparse, but several indicators are available. The United States Trade Representative has retained Uzbekistan on the Special 301 Watch List in recent reporting cycles, citing the prevalence of unlicensed software — including within public-sector institutions — and gaps in protection for foreign sound recordings. Industry estimates from earlier in the past decade placed unlicensed software installations in the country well above the contemporaneous global average of approximately thirty-seven per cent. Anecdotal evidence suggests that Uzbek consumers continue to access unlicensed video and music through social-messaging channels and mirror sites, often via virtual private networks where domestic blocking is in place. As legitimate streaming options expand and as enforcement capacity matures, these patterns are likely to shift, but the trajectory will depend on the availability and pricing of licensed content as much as on enforcement intensity.

4. Comparative Models

4.1 United States: The DMCA and Safe Harbours

Title 17 of the United States Code grants authors the familiar exclusive rights and, distinctively, preserves a flexible doctrine of fair use under §107 that has proved essential to the legality of search-engine indexing, transformative reuse, and text-and-data mining. The DMCA of 1998 added two structural elements: anti-circumvention rules under §1201, which prohibit the bypass of technological protection measures and trafficking in circumvention tools; and the safe-harbour regime under §512, which immunises qualifying online service providers from monetary liability for user-uploaded content, subject to compliance with notice-and-takedown obligations and the absence of actual or red-flag knowledge of infringement.

The §512 architecture has been credited with enabling the growth of user-generated-content platforms, while shifting much of the monitoring burden onto rightsholders. Statutory damages of up to \$150,000 per wilful infringement, together with criminal penalties for commercial-scale piracy, provide substantial deterrence at the individual case level. Major platforms have layered private ordering on top of the statutory baseline: YouTube's Content ID and analogous systems perform algorithmic matching at upload, despite the statute's express disclaimer of any general monitoring obligation. Rightsholders, however, have grown increasingly critical of what they characterise as a notice-and-takedown treadmill that fails to address persistent re-uploading and, in their view, depresses licensing values. The 2020–2021 review by the U.S. Copyright Office documented these tensions but did not produce statutory change.

4.2 European Union: Toward Platform Accountability

Until 2019, the EU regime closely tracked the U.S. safe-harbour logic. The E-Commerce Directive 2000/31/EC limited the liability of mere conduits, caching providers, and hosting providers, subject to expeditious removal upon actual knowledge. The InfoSoc Directive 2001/29/EC harmonised the substantive rights, including the right of communication to the public, and required protection of technological measures. Directive (EU) 2019/790 on Copyright in the Digital Single Market marked a deliberate pivot. Article 15 introduced a press-publishers' right covering online use of news content by information-society service providers — sometimes pejoratively labelled a "link tax". Article 17, the more consequential provision, treats large online content-sharing service providers as themselves communicating to the public when they give access to user-uploaded copyright works. Such providers must obtain authorisation from rightsholders or, failing that, demonstrate best efforts to obtain authorisation, to prevent the availability of identified protected works, and to act expeditiously upon notice.

In practice, Article 17 has incentivised the adoption of upload filtering and broad licensing arrangements with collective management organisations. National transpositions diverge: Germany legislated narrow *de minimis* allowances and presumptions of legality for short snippets to preserve user expression, while France pursued a more rightsholder-protective implementation. The Court of Justice in Case C-401/19 (Poland v Parliament and Council) upheld Article 17 against a fundamental-rights challenge, conditional upon the existence of safeguards against over-blocking. The EU experiment will, in time, generate evidence on whether platform-accountability models genuinely reduce the licensing gap without disproportionately constraining lawful user expression.

4.3 China: Modernized Statute, Administrative Enforcement

The third revision of the PRC Copyright Law, in force from 1 June 2021, brought the substantive baseline closer to international standards. The amendments codify a right of communication through information networks, raise maximum statutory damages to RMB 5 million, and introduce punitive damages of up to five times actual damages for wilful infringement of serious gravity. China is party to the Berne Convention, TRIPS, and the WIPO Internet Treaties. Distinctively, the country maintains a three-track enforcement system. Civil litigation has been strengthened by the establishment of specialised intellectual-property courts in Beijing, Shanghai, Guangzhou, and elsewhere. Criminal prosecution is available under Article 217 of the Criminal Law. Administrative enforcement, conducted by the National Copyright Administration and local copyright bureaus, allows investigations, seizures, and fines without prior judicial authorization, and has historically resolved the largest volume of cases.

A notice-and-takedown mechanism is set out in the 2006 Regulation on Protection of the Right of Communication through Information Networks, which conditions intermediary safe harbour on prompt action upon receipt of a rightsholder notice. Periodic enforcement campaigns — most prominently the Jianwang ("Sword Net") series coordinated by the National Copyright Administration — combine takedowns, raids on physical infrastructure, and publicity. Regulatory intervention now extends to market structure: the 2021 enforcement action that required Tencent Music to relinquish exclusive licensing arrangements illustrates a state interest in shaping competitive dynamics in the digital-content market. Two caveats accompany this otherwise impressive record. First, administrative enforcement, while efficient, offers fewer due-process safeguards than judicial determination. Second, copyright tools operate alongside broader content controls, and the boundaries between intellectual-property enforcement and political content regulation are not always sharply drawn.

4.4 Russian Federation: Site-Blocking as a Centerpiece

Russia's response to widespread online piracy crystallised in Federal Law No. 187-FZ of 2013. The law conferred on the Moscow City Court exclusive jurisdiction over preliminary injunctions against infringing websites, allowing rightsholders to obtain rapid blocking orders enforced through ISPs by the telecommunications regulator Roskomnadzor. Initially limited to audiovisual works, the regime was extended in 2015 to nearly all categories of copyright works (with photographs excepted). A "permanent" blocking remedy for repeat infringers was introduced for repeat offenders, and a dynamic injunction procedure has been developed to address mirror sites.

The mechanism has been credited with substantial reductions in casual piracy and with catalysing the growth of legitimate domestic streaming services, including ivi and Okko. The transformation of VKontakte — once a notorious haven for unlicensed music — into a licensed platform with internal content fingerprinting illustrates the indirect coercive effect of credible blocking. Yet the same legal and technical infrastructure operates alongside broader content-control mechanisms, including the 2019 sovereign-internet law, and the Moscow City Court's procedures have been criticised for limited adversarial scrutiny. The Russian experience demonstrates the efficacy of judicial blocking against well-defined targets while also illustrating the risks of building infrastructure whose dual-use potential may outlast the policy rationale that justified it.

5. Cross-Cutting Themes

5.1 The Allocation of Enforcement Burden

The five regimes can be ranged along a spectrum defined by where they place the principal enforcement burden. The DMCA and the early EU framework allocated it to rightsholders, who must identify and notify. Article 17 of the DSM Directive reallocates a substantial portion of that burden to large content-sharing platforms. China places significant weight on administrative agencies. Russia leans on judicial blocking enforced by the telecommunications regulator. Uzbekistan currently combines court enforcement with a generalised regulator-driven notice procedure. No single allocation is optimal in the abstract; the right balance depends on institutional capacity, the maturity of digital markets, and the willingness of platforms to absorb compliance costs.

5.2 User Exceptions and Expressive Space

Regimes that rely heavily on automated filtering — whether by legal mandate, as in the EU, or by private convention, as on major U.S. platforms — face a recurrent challenge: filters identify matches but not the lawfulness of use. Fair use, fair dealing, quotation, parody, and educational exceptions cannot be reliably detected algorithmically. The German implementation of Article 17, with its *de minimis* allowances and presumptions of legality for short uses, is a notable attempt to preserve expressive space within a filtering architecture. Uzbekistan's law, in the civil-law tradition, enumerates specific exceptions rather than relying on an open standard. As enforcement intensifies, ensuring that statutory exceptions are operationally respected — and not effectively nullified by overbroad takedowns — will be material to the legitimacy of the regime.

5.3 AI-Generated Works

Generative artificial intelligence raises two distinct questions for copyright. The first concerns inputs: whether the use of protected works to train models constitutes infringement or qualifies for an exception, such as the EU text-and-data mining exceptions in Articles 3 and 4 of the DSM Directive. The second concerns outputs: whether material produced by or with the substantial involvement of AI systems is eligible for protection, and if so, who is the author. The U.S. Copyright Office has taken the position that material lacking human creative authorship is not protectable, while permitting registration of works with human-authored selection and arrangement of AI-generated elements. China has issued guidance and rendered first-instance judgments — notably the 2023 Beijing Internet Court decision in the *Li v Liu* case — recognising protection where a human user has made sufficiently creative prompt-engineering and selection choices. The European Union has thus far worked through transparency requirements in the 2024 AI Act, leaving substantive authorship questions to national law. Uzbekistan has yet to address either question expressly; the default position under existing principles is that AI systems are not authors, and protection requires identifiable human creative contribution.

5.4 The Market Dimension

Empirical evidence from multiple jurisdictions suggests that legal enforcement is a necessary but insufficient condition for sustained reduction in infringement. The decline of music piracy in many markets has correlated more strongly with the availability of affordable, licensed streaming than with any particular enforcement intensification. Conversely, recent fragmentation of video streaming into multiple subscription services has produced modest increases in unlicensed access. The implication for Uzbekistan is straightforward: legal reform should proceed in parallel with measures that improve the availability and affordability of

licensed content. Without a legitimate market that meets consumer demand, the marginal effectiveness of enforcement diminishes.

6. Recommendations for Uzbekistan

The comparative analysis supports five concrete recommendations. They are sequenced from the most procedurally tractable to the more institutionally demanding.

First, Uzbekistan should adopt a copyright-specific notice-and-takedown procedure distinct from the generalised content-removal mechanism. Such a procedure should specify the form of a valid notice, including identification of the work and the rightsholder, the location of the allegedly infringing material, and a good-faith statement; it should provide a counter-notice procedure with a defined response window; and it should preserve immunity for compliant intermediaries. A DMCA-inspired model, adapted for civil-law drafting conventions, would deliver predictability for platforms and recourse for users without undermining the existing general procedure for other categories of unlawful content.

Second, the country should codify due-process safeguards around any blocking remedy. Site blocking, where used, should be available only on judicial order, against narrowly identified infringing services, with notice to affected operators where practicable and an expedited review mechanism. The Russian experience demonstrates both the utility of judicial blocking and the importance of guarding against its drift into content control more broadly.

Third, the statutory list of permitted uses should be reviewed and, where appropriate, modernized to accommodate quotation, parody, education, research, news reporting, and incidental uses in the online environment. Civil-law tradition does not preclude flexible drafting; a non-exhaustive list, or a residual category for analogous uses consistent with the three-step test, would provide useful adaptability without departing from the Berne and TRIPS framework.

Fourth, Uzbekistan should clarify the treatment of AI-generated works by administrative guidance or, if necessary, statutory amendment. A two-part position is defensible: confirm that protection attaches only to works with sufficient human creative contribution, and provide that selection, arrangement, or substantive prompt-engineering may qualify in appropriate cases. A targeted exception for text-and-data mining, with an opt-out mechanism analogous to Article 4 of the DSM Directive, would support domestic AI development while preserving rightsholder control.

Fifth, enforcement reform should be paired with active support for the legitimate digital market. Measures may include encouraging the entry of international streaming services, supporting domestic platforms through licensing facilitation, requiring government use of licensed software, and investing in public awareness campaigns directed at younger users in particular. The objective is to make the legal option the most convenient option, which the cross-jurisdictional evidence identifies as the strongest single driver of compliance.

7. Conclusion

Uzbekistan's copyright framework has matured rapidly over the past two decades. Treaty accession, term extension, recognition of the right of communication to the public, and the 2022 National Intellectual Property Strategy together signal both political commitment and technical competence. The remaining work is largely operational: aligning enforcement mechanisms with the texture of online infringement, codifying procedural protections against overreach, modernizing user exceptions, and supporting the development of a licensed digital market.

The comparative experience surveyed in this article does not point to a single optimal model. The U.S. safe-harbour regime has enabled platform innovation but generated persistent rightsholder dissatisfaction. The EU shift toward platform accountability addresses the latter complaint but raises new concerns about the algorithmic policing of user expression. China's administrative model delivers enforcement intensity at the cost of due-process granularity. Russia's blocking regime is technically effective but institutionally fragile. The lesson for Uzbekistan is not to copy any one of these systems but to draw selectively: the procedural specificity of the DMCA, the user-expression sensibilities of the German Article 17 transposition, the institutional clarity of Chinese administrative process, and a calibrated, judicially supervised blocking remedy. Combined with market measures and ongoing stakeholder dialogue, such a synthesis would advance the legitimate interests of authors and rightsholders without compromising the open and innovative digital environment that Uzbekistan is otherwise working to build.

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