
THE HISTORY OF COLLECTIVE COPYRIGHT MANAGEMENT ORGANIZATIONS

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Annotation: The issues related to the history of the establishment of the institution of copyright protection, with the division of powers of collective management organizations, with the functions of organizations and their types, with the difference between collective management of copyright and such a concept as representation are touched upon. Attention is paid to some urgent problems related to the improvement of this institution, international standards for copyright protection and comparative legal analysis of national legislation, as well as the opinions of scientists from Uzbekistan and other different countries. Suggestions and recommendations were put forward of scientific and practical importance for national copyright law.

Key words: copyright, to enforce copyright, royalty, copyright and related rights collective management, public performance or display of a work.

The history of copyright societies in the countries of the former Soviet Union is more than 140 years. The first Russian copyright society to collectively manage copyright was the Russian Society of Dramatic Writers, founded on October 21, 1874, by the great Russian playwright Alexander Nikolaevich Ostrovsky. The society was created by playwrights to protect their material interests in public performances of Russian Empire theaters and forced them to pay royalties to playwrights. On October 21, 1885, the composers joined the organization and formed the Society of Russian Drama Writers and Opera Composers [1].

On November 28, 1870, the first meeting of the playwrights took place in Rodislavsky's apartment in Moscow. At this meeting, it was decided not to allow performances in theaters without the consent of the authors or their authorized representatives. Later, the organization's rules were approved, which in effect replaced its existing charter, which set out the cities in which its agents were to be appointed. This is how the first copyright organization, the Dramatic Writers' Team, came into being and operated for four years. Its members include A.N. Ostrovskiy, A.K. Tolstoy, I.S. Turgenev, M.E. Saltikov-Shedrin, H.A. Nekrasov and many other writers [2].

On October 21, 1874, a meeting of the founders of the Russian Society of Drama Writers (Moscow) was held. According to its charter, the main purpose of the Society's activities was to legally protect the right of Russian playwrights and translators to perform their works in public. Each new member of the organization was required to give the Society the right to allow them to perform [3]. Only original and translated dramatic works are preserved. On October 21, 1875, composers, opera and ballet authors began to be admitted to the Society. The society was renamed the Society of Russian Drama Writers and Opera Composers (ORDP and OK). In all cities where there are theaters, meetings, and clubs, community agents are appointed from among educated people, regardless of their specialization. The community agent signed a contract with each payer (theater, meeting, club owner), according to which the organizer of the performance signed a fee. If the entrepreneur stopped paying royalties, the agent had the right to prohibit him from performing for members of the Society through a notary[4].

The society collected royalties from its members for performances and operas, arranged for their distribution, and conducted legal proceedings to strengthen its legal status. The award ceremony for concert programs is not provided for in the Charter of the organization and is not carried out. In 1904, the Russian Theater Society (St. Petersburg) was replaced by the Association of Dramatic and Musical Writers, Russia's second copyright organization [5].

Until 1930, these organizations operated in parallel. In 1930, the Moscow and Leningrad organizations joined the All-Russian Society of Playwrights and Composers, and in 1933 the Writers' Union became known as the Copyright Office. In 1938, it became part of the All-Union Directorate for Copyright Protection (VUOAP) as part of Belarus, Ukraine, Transcaucasia, and Central Asia. In 1934, the Office of Copyright Protection (UOAP) of the Union of Artists of the USSR was established [6]. The mission of VUOAP was to protect the rights of authors during the publication and public performance of works. In addition, VUOAP was tasked with collecting contributions from publishing and entertainment events to the Literary, Musical and Journalistic Funds of the USSR.

In 1973, the All-Union Authorship Agency (VAAP) was established in the USSR on the basis of VUOAP and UOAP, the proposal for its establishment was approved by the USSR Council of Ministers Resolution No. 588 of August 16, 1973. The founders of VAAP are 13 organizations, which include creative associations of almost all authors, some ministries and departments[7]. VAAP was a public organization of the Founders' Conference held on September 20, 1973. In reality, however, the organization acted as a copyright authority.

In the late 1980s, changes in state and current legislation on intellectual property necessitated a change in the VAAP. On May 14, 1991, the USSR Cabinet of Ministers adopted Resolution No. 242 proposing the transformation of VAAP into the USSR State Agency for Copyright and Related Rights (GAASP), which was tasked with ensuring the rights and legitimate interests of copyright and related rights holders[8]. Later, in connection with the dissolution of the USSR, attempts were made to create an organization that would perform the functions of VAAP. In 1992, GAASP was abolished by the Resolution of the Supreme Soviet of the Russian Federation No. 2275-1 of February 3, 1992, and the All-Russian Copyright Agency (VAAP) was established as a public association.

In Uzbekistan, collective copyright management organizations are relatively new. The Guild of Authors and Performers of Uzbekistan was established on December 20, 2006 and is older than other similar non-governmental organizations.

Its charter states that the goals and objectives of this organization are to protect and support the rights and interests of authors and performers through various events and projects[9].

The Intellectual Property Agency was established on the basis of the above two government bodies established by the Decree of the President of the Republic of Uzbekistan No. PP-1536 dated May 24, 2011. From this period onwards, such tasks were carried out by private organizations with the collection and distribution of royalties (royalties). In particular, B. Toshev, a copyright expert, said that "there is a need to establish collective property rights management organizations in the country[10]."

Since that time, at various times in our country there have been organizations that manage various property rights on a collective basis, such as the Guild of Authors and Performers, the Artmadad Foundation, the Chamber of Rights holders of Uzbekistan. To date, however, public associations have ceased to exist for various reasons.

In addition, the Chamber of Human Rights of Uzbekistan, established on December 21, 2010, manages and protects the property rights of authors, performers, phonogram producers and other rights holders on a collective basis[11]. In recent years, a significant increase in attention to the sector in our country can be seen in the fact that from 2019 to date, 4 non-governmental non-profit organizations have been established to collectively manage property rights. In

particular, in 2019, 3 organizations were registered by the Ministry of Justice as the Public Association of Copyright and Related Rights Owners of Uzbekistan, the NGO for the Protection of Copyright, and the Society for the Protection of Copyright and Related Rights of the Republic of Uzbekistan.

The Public Association of Copyright and Related Rights Owners of Uzbekistan has set goals and objectives to implement and protect the property rights of authors of works of science, literature and culture, performers, producers of phonograms and other copyright and related rights holders.

Objectives and tasks of the non-governmental non-profit organization for the protection of property rights and assisting them in collective management[12].

The Charter of the Society of Copyright and Related Rights of the Republic of Uzbekistan provides for the exercise and protection of property rights of authors of scientific, literary and cultural works, performers of phonograms, producers and other owners of copyright and related rights, among others.

Also, on May 26, 2020, the Decree of the President of the Republic of Uzbekistan No. PF-6000 "On measures to further enhance the role and influence of culture and art in society" was adopted.

In particular, the decree supported the initiatives of representatives of culture and arts to establish the Chamber of Copyright Protection of Artists, Creators and Performers (hereinafter - the Chamber), which supported another non-governmental organization that manages copyright on a collective basis was found [13].

The Ministry of Culture should provide 1 billion soums from the Fund for the Development of Culture and Arts under the Ministry of Culture to support it in the early stages of the Chamber's activities. passed.

According to G. Khudaiberdieva, a researcher in this field, serious reforms are being carried out in the field of copyright and related rights in our country, and its legal framework is being strengthened[14].

In particular, today the agenda is to strengthen the international image of the country by fulfilling the obligations of the Republic of Uzbekistan on the basis of international legal instruments on copyright and related rights, as well as to further improve the system of effective management of property rights[15].

Although the legal framework for the institution of collective management of property rights is defined in the current legislation, it has been improved over time and is still incomplete.

The Civil Code of the Republic of Uzbekistan, the Law on Copyright and Related Rights, the Resolution of the Cabinet of Ministers "On Minimum Copyright Rates for Certain Types of Use of Literary and Artistic Works" and other documents.

In general, the institution of collective management of property rights of authors and related rights has come a long way in a historically short period of time.

In today's world, with the growing impact of intellectual property on the economy, it is more important than ever to effectively manage copyright and protect their legitimate interests, as well as to fill gaps in industry legislation. In the context of Uzbekistan, it is necessary to study the history of the formation of this institution as soon as possible, based on the historical experience of foreign countries, which has come a long way in other countries of the world.

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