

## History of Copyright in Uzbekistan Some Considerations Related to (On the Example of the 1950s)

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### Abstract

The article examines the conflicting cases related to the history of legal protection of the authors of the work on the basis of archival materials. Some authors have applied to the All-Union Copyright Office to protect their interests in problematic situations, as well as the history of authors who received pen fees for translations and other works in a timely manner.

**Keywords:** "Yosh Leninchi", play, co-author, musical drama, prosecutor's office, authorship, film, appeal.

As far as we know, copyright began to operate in the 1920s after the formation of the Soviet state, and branches were established in the republics of the Union. The main purpose of the central administration and the regional department was to protect the rights of all authors. It can also be seen that sections have not always been able to protect authors in the same way. This article covers the organization's activities in the years following World War II. In the post-war years, funding problems, as observed in other areas, did not go unnoticed in the process of copyright protection and the timely payment of royalties to authors. Local authors working in republics far from the center during the Soviet era have encountered many problems. In the archival documents of this period in the Tashkent Pedagogical Institute professor A. V. The textbook "Russian grammar of Uzbek groups of pedagogical universities" written by Miratov was intended for pedagogical institutes and teachers of the Uzbek SSR and was approved by the Ministry of Education of the Uzbek SSR [1]. However, the author of this textbook, Professor A. V. Miratov faced a problem with copyright fees. He had to apply to the Uzbek branch of the All-Union Copyright Office for a royalty. professori A. V. Miratov's copyright fee, based on the amount of materials he provided, the minimum requirement was 36.0 thousand rubles. In view of the above, the Uzbek branch of the All-Union Copyright Office appealed to the Ministry of Education of the Uzbek SSR to clarify whether it intended to pay this amount. If such cases are not resolved positively, of course, they are resolved through the courts.

If interesting materials published in some magazines are republished, the author of this work may not be paid a penny. In particular, the editor of the newspaper "YoshLeninchi" S. According to Yuldashev, they republished interesting art materials from Central Magazines and informed the authors of the published materials that they had not been paid a pen fee [3]. Among the reprinted and unpaid works is the story "Jaguar-13", published in the magazine "Ogonyok" and reprinted in the newspaper "Yosh Leninchi". There have also been cases of non-payment due to lack of funds. Such cases indicate that the existing legislation in the field of copyright protection is still insufficient.

There are also a number of shortcomings in the payment of royalties by the All-Union Copyright Office Uzbekistan Office. As an example, for the musical drama "Farkhod and Shirin" Music co-authors Yu.Rajabi and B.Nadezhdin agreed to divide the music fee equally (50% each). However,

the heads of the Uzbek departments were paid 62,442 rubles for 1949, 1950, and 1951. [4] However, this amount was not based on an agreement reached between the co-authors.

Controversial cases in the distribution of payments to the authors of the work can be observed not only in the musical drama “Farkhod and Shirin”, but also among the co-authors of the music for the poems “Layli and Majnun” and “Alpamish”.

A number of measures have been taken to collect debts from the regional and city theaters of the Uzbek SSR. In some cases, prosecutors were contacted, but with less positive results. Some theaters in Kashkadarya region have systematically violated financial and cash discipline, failed to transfer revenues to the state bank, and as a result have not paid royalties [5]. To prevent this, the Uzbek branch of the All-Union Copyright Office appealed to the Republican Prosecutor's Office of the USSR. It is unclear whether the case has reached the Kashkadarya regional and district prosecutor's offices. The above cases show that some government agencies do not pay serious attention to the work on copyright protection.

Abdullah Qahhor, a local author, received full copyright for the play “IpakSuzana” under a general agreement signed in December 1951. Given that this work has also been translated into other languages, it will be necessary to remove 50% of the funds given to Abdullah Qahhor and send it to the Leningrad branch. Author Abdullah Qahhor was to receive 25% of the total. The untimely and incorrect calculation of royalties has caused problems not only for the authors of the work, but also for the staff of the All-Union Copyright Office and the Republican Branches.

It can also be seen that the above circumstances contradict the existing laws in the field of copyright protection. Former director of the Uzbek branch of All-Union Copyright Office T. Fatkhullin and his deputy Kolesnichenko grossly violated Article 5 of the “Fundamentals of Copyright of the USSR” and the decision “On the procedure for payment and the amount of pen fees for public performance of dramatic, musical, musical-dramatic and other works in the Uzbek SSR.” the misallocation of fees among the authors of a number of musical works is cited in archival documents [7].

From January 1, 1951, the Soviet Writers' Union reduced the allocations from the Literary Fund and the Music Fund in favor of the All-Union Copyright Office from 3% to 2%. This, of course, was fully the case in the republican departments of the center at that time. The work showed the level of attention paid to the representatives of the industry, which is reducing the funds coming to the organization that protects the authors.

The untimely payment of the amounts due to the authors compelled them to apply to the All-Union Copyright Office. On the same subject, composer SN Vasilenko wrote music for the ballet “Ozodachehra”

He wrote a letter to Mukhsinov, the head of the Department of Arts under the Council of Ministers of the USSR, asking why and when the payments would be made or delayed.

Since the music for the ballet was written, commissioned and staged by the Navoi Theater in the 1951 season, composer S.N.Vasilenko was forced to appeal to the All-Union Copyright Office to protect his interests. All-Union Copyright Office has reviewed the issue and sent a copy to the Uzbek office to review the content of the letter and provide a full response.

The fact that in the 1950s some publishers paid royalties for their works without paying a penny, as well as the cases that the reviewers set for the work, can be traced through archival documents. As an example, the author A. Kulik wrote an essay book about orphanages of the Uzbek SSR “In our house” and submitted it to the publishing house. Three months later, at the request of the publisher,

“Bizninguyda” the author himself sent it to the reviewers who gave their names. There were no comments or objections to the manuscript submitted by the author from the publisher. Given this, the author of the work was to be given 45% of the amount specified in the contract (9000 rubles). But despite the fact that the author appealed to the publisher three times, we can see that the problem has not been resolved. As a result, the author A. On June 22, 1951, Kulik applied to the All-Union Copyright Office for practical assistance in resolving the issue.

We can see that the Tashkent Feature and Documentary Film Studio also violated the rights of some authors, despite the terms of the contract. A contract was signed with the author to write the narrator’s text for the documentary “In the Fergana Valley”. Under the terms of this contract: the studio is required to pay the author 4,000 rubles for the work specified in the contract after the text of the narrator has been voted on. It is also stipulated that all disputes that may arise under the contract shall be settled in court, and in all other matters not provided for in the contract, the parties shall abide by the rules of the standard agreement approved by the USSR Ministry of Cinematography. Although the legal framework was sufficiently established, the author asked Yu. Barisovich to agree to reduce the studio fee from 4,000 rubles to 3,000 rubles. Despite the existence of a legal basis for the field during this period, the data were subjected to artificial barriers to implementation, which resulted in material damage to some authors without copyright.

There is no denying that in all periods of history, a certain industry has both positive and negative aspects.

During this period we can see that sufficient payments were made for the translated works. In particular, the writer Abdulla Qahhor was paid an additional 5,000 rubles for translating the editing sheet of the audio feature film “Konstantin Zaslouov” from Russian into Uzbek.

Contracts were signed before the works were translated, and this served as the legal basis for the translators. The writer Abdulla Qahhor was also paid 4,000 rubles for translating the editing of the Battle of Stalingrad into Uzbek, and 2,500 rubles for translating the editing of the Soviet Uzbekistan into Uzbek. [13] shows that the measures have yielded positive results.

Tamarakhonim (pseudonym: real name and surname Tamara ArtyomovnaPetrosyan), who worked as an artistic director, choreographer and actress in the music ensemble of the Uzbek State Philharmonic, gave a concert in Leningrad on February 5-6-7-8-9-10-11, 1953 [ 14]. The Leningrad branch of the Uzbek State Philharmonic was asked to send information about the authors of these concert programs, music and lyrics, but the requested information about the authors was not complete and timely.

Nemshaev, the head of the All-Union Copyright Offices operational department, told the Uzbek department that funds had been raised for Tamarakhonim's concert in Vladimir. Nemshaev asked for a standard program for the concert, as he said that without the program, he would not be able to transfer the available funds at the expense of the authors. This means that the exchange of information between departments, if the programs are prepared in a timely manner, the authors will also be able to receive their own copyright funds in a timely manner. In both cases mentioned above, despite the fact that the concert programs were held abroad, the responsible organizations and individuals tried to pay the authors in a timely manner. Report of the Uzbek Department of Copyright, dated January 1, 1950, No. 0820, 5,000 rubles were allocated for the funeral of Hamid Olimjon, a local poet, scientist and playwright who died in a car accident. returned to the department at the expense of the pen fee is mentioned in the archival documents.

Considering that some such cases took place in the post-war years, it can be noted that there were small positive results along with problems in the system.

### Conclusion:

- During this period, all organizations operating in the territory of the Uzbek SSR worked under the supervision and instructions of the central departments. This can be seen in the case of the All-Union Copyright Office and its Uzbek branch.
- Due to the powers of the Uzbek branch of the All-Union Office for Copyright Protection, there are cases when the problems faced by authors are not resolved in a timely manner and legally. In such cases, the authors of the work have complained to the All-Union Copyright Office in order to protect their rights.
- In the above cases, it can be seen that the rights of the authors of the work are not sufficiently secured. Even in the cases where the authors appealed to the Board, the judiciary and the prosecutor's office, the issues were not fully resolved in favor of the authors.

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