

Specific Aspects of the Protection of Related Rights of Broadcast and Cable Broadcasting Organizations

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Abstract

The protection of the rights of broadcasting and cable broadcasting organizations has become increasingly critical. This article examines the methods for safeguarding the rights of these organizations, analyzing their developmental evolution and achievements globally. Additionally, the article highlights the current state and processes involved in protecting the related rights of broadcast and cable broadcasting organizations within the intellectual property framework in Uzbekistan. Furthermore, it addresses the contemporary challenges faced by these organizations and explores their development prospects.

Keywords: WIPO General Assembly, Intellectual Property, Broadcast Organizations, Cable Broadcasting Organizations, Rights Protection, International Treaties, Digital Watermarking, Compensation

Annotatsiya

Teleradiokompaniyalar va kabel televideniye tashkilotlari huquqlarini himoya qilish tobora muhim ahamiyat kasb etmoqda. Ushbu maqolada bu tashkilotlar huquqlarini himoya qilish usullari ko'rib chiqiladi, ularning rivojlanish evolyutsiyasi va global yutuqlari tahlil qilinadi. Bundan tashqari, maqolada O'zbekistonda intellektual mulk doirasida teleradiokompaniyalar va kabel televideniye tashkilotlarining tegishli huquqlarini himoya qilishning joriy holati va jarayonlari yoritilgan. Shuningdek, ushbu tashkilotlar duch kelayotgan zamonaviy muammolar va ularning rivojlanish istiqbollari ko'rib chiqiladi.

Kalit so'zlar: WIPO Bosh Assambleyasi, Intellektual mulk, Teleradiokompaniyalar, Kabel televideniye tashkilotlari, Huquqlarni himoya qilish, Xalqaro shartnomalar, Raqamli suv belgisi, Kompensatsiya

In many countries, the protection of related rights of broadcasting or cable broadcasting organizations is enshrined in national laws or international treaties. For example, the WIPO Performances and Phonograms Treaty and the WIPO Copyright Treaty provide for the protection of similar rights of performers, producers of

phonograms and broadcasting organizations.¹ In addition, the adoption of the Rome Convention by the World Intellectual Property Organization (WIPO) is a specialized international treaty that establishes minimum standards for the protection of similar rights of broadcast or cable broadcasting organizations.² The agreement recognizes the unique position of broadcasters in the distribution of information and entertainment and recognizes the need to protect their investment in broadcast content.³

In addition, many countries have implemented their own national laws and regulations to protect the related rights of broadcast or cable broadcasting organizations. For example, in the United States, the Federal Communications Commission (FCC) regulates the licensing of broadcast and cable companies and monitors their compliance with copyright laws.⁴ In general, the protection of related rights of broadcast or cable broadcasting organizations is an important aspect of intellectual property law. It plays an important role in promoting the growth and development of the broadcasting industry by encouraging investment in broadcast content and ensuring that broadcasters are fairly compensated for their contributions.

One of the benefits of copyright protection for broadcast or cable broadcasting organizations is that it promotes the development of diverse and innovative content. By giving broadcasters exclusive rights to their content, these laws and regulations encourage investment in the production of high-quality broadcast programming. In addition, the protection of similar rights of broadcast or cable broadcasting organizations can contribute to the cultural and economic development of the country. By encouraging the production and distribution of local content, these laws and regulations help create jobs, stimulate economic growth, and support local cultural industries.

There is another legal system, i.e. sui generis rights: These are unique rights specifically granted to broadcasters and cable broadcasting organizations. They generally include the right to prohibit unauthorized retransmission of broadcasts and the right to prevent the unauthorized extraction or use of significant portions of a broadcast.⁵ At the same time, it must be recognized that the protection of the related

¹ Ubaydullayeva, A. (2023). Artificial Intelligence and Intellectual Property: Navigating the Complexities of Cyber Law. *International Journal of Law and Policy*, 1(4). <https://doi.org/10.59022/ijlp.57>

² O. Okyulov. Intellectual property rights// Institute of Philosophy and Law named after I.M. Mominov. - Tashkent, 2005. - B.40

³ Reference re Broadcasting Regulatory Policy CRTC 2010-167 and Broadcasting Order CRTC, 2010-168, 2012 SCC 68 (CanLII), [2012] 3 SCR 489

⁴ O. Okyulov, N. E. Gafurova. (2019). *Intellectual property*. TDYuU Publishing House

⁵ Protection of the rights of broadcasting organizations, United Nations Educational, Scientific and Cultural Organization, 171 EX/59 PARIS, April 8, 2005 Original: English Item 65 of the provisional.

rights of broadcast or cable broadcasting organizations is not an end in itself. Rather, it is a means of increasing public interest in the use of information and cultural expression. It is therefore important to ensure that these laws and regulations are proportionate and take into account the interests of all stakeholders, including broadcasters, content creators and the public.

In addition to encouraging the production of high-quality broadcast programs, protection of similar rights of broadcast or cable broadcasting organizations can also facilitate the distribution of such programs across borders. This is especially important in today's globalized media landscape, where broadcast content is often distributed across multiple countries and regions. By giving broadcasters exclusive rights to their content, these laws and regulations help prevent unauthorized retransmission of broadcasts and ensure that broadcasters are fairly compensated for the use of their content. This helps encourage cross-border distribution of broadcast content, which in turn can encourage cultural exchange and the free flow of information.⁶

In many jurisdictions, the protection of related rights of broadcast or cable broadcasting organizations is recognized as a separate area of intellectual property law, separate from traditional copyright law. This is due to the unique nature of broadcast content, which is transmitted over airwaves or cable networks and is often subject to a complex regulatory framework. At the same time, it is important to ensure that the protection of related rights of broadcasting or cable broadcasting organizations does not unreasonably restrict the use of information or cultural expression. Therefore, many national laws and international treaties provide for exceptions and limitations to these rights, such as access to justice or fair treatment, and public access to information and cultural expression.

In general, the protection of related rights of broadcast or cable broadcasting organizations is an important aspect of intellectual property law, and serves to facilitate the growth and development of the broadcast industry, while ensuring the public's informational and cultural expression. By balancing the interests of broadcasters and the public, these laws and regulations can contribute to a vibrant and diverse media landscape. Based on the experience of foreign countries, broadcasters and cable carriers use several methods to protect their copyrights, including legal measures and technical measures. Legal measures to protect the related rights of broadcast or cable broadcasting organizations usually involve the use of copyright laws. Copyright law gives broadcasters and cable broadcasters the exclusive right to control the reproduction and retransmission of their programming. This means that they have the right to allow or prohibit the retransmission of their programs by cable systems and satellite carriers.⁷

⁶ Khakimov, J. (2019). Intellectual Property Protection in Uzbekistan: Current Trends and Challenges. *Uzbek Journal of International Law*, 5(2), 45-67

⁷ Karimova, L. (2017). The Evolution of Intellectual Property Rights in Uzbekistan. *Central Asian Law Review*, 12(1), 89-103

For example, in the United States, the Federal Communications Commission (FCC) regulates the retransmission of broadcast programs by cable systems and satellite carriers. FAK regulations require cable systems and satellite carriers to obtain the approval of broadcasters before retransmitting their programming. This consent is usually granted through a negotiated agreement between the broadcaster and the cable system or satellite carrier. Other countries have similar laws and regulations to protect the related rights of broadcast or cable broadcasters. In Canada, for example, the Broadcasting Act gives broadcasters the exclusive right to allow retransmission of their programs over cable and satellite systems.

Broadcasting companies and cable carriers, in addition to legal measures, also use technical measures to protect their related rights. These measures include encryption, digital watermarking, and other methods designed to prevent unauthorized copying and distribution of their software.⁸ Encryption is a method of encoding programming in such a way that only authorized users can decode and view it. Cable and satellite systems often use encryption to prevent unauthorized access to their programming. Encryption helps protect the rights of broadcast or cable broadcasters by preventing unauthorized viewing and distribution of their programming. However, it should be noted that encryption alone is not always sufficient to protect against a breach. Designated criminals can still find ways to bypass encryption and access and distribute unauthorized software.⁹

Digital watermark method of entering a unique identifier in programming that can be used to identify the source of unauthorized copies. This allows broadcasters and cable carriers to trace the origin of unauthorized copies and take legal action against infringers. Digital watermarking is another technical measure used to protect the respective rights of broadcast or cable broadcasting organizations. Digital watermarking involves embedding a unique identifier in programming that can be used to identify the source of unauthorized copies. This allows broadcasters and cable carriers to trace the origin of unauthorized copies and take legal action against infringers. Digital watermarks can also be used to trace programming distributions and detect and track infringement cases.¹⁰

Digital watermarking is often used in conjunction with encryption to provide an additional layer of protection for broadcast or cable organizations' respective rights. International rules to protect TV piracy haven't been updated since the 1961 Treaty of Rome, drawn up when cable was in its infancy and the Internet hadn't even been

⁸ https://www.wipo.int/treaties/en/ip/rome/summary_rome.html

⁹ AllahRakha, N. (2023). Artificial Intelligence strategy of the Uzbekistan: Policy framework, Preferences, and challenges. *International Journal of Law and Policy*, 1(1). <https://doi.org/10.59022/ijlp.27>

¹⁰ <https://www.fcc.gov/media/radio/public-and-broadcasting>

invented. Now that perfect digital copies of TV programs can be made and transmitted with just a few clicks of a mouse, signal theft has become a major commercial headache for broadcasting organizations around the world. After WIPO members adopted the WIPO Internet Treaties on Copyright, Performers and Producers of Phonograms (sound recordings) in 1996, broadcasters also began demanding updated protections for new broadcasting technologies.

However, while there is agreement in principle that broadcasters should renew international protections against eavesdropping on their signals, IPO members have so far been unable to agree on how this should be done and what rights, if any, should be granted to broadcasters. In 2007, the WTO General Assembly agreed to adopt a "signal-based approach" in drafting a new treaty to ensure that the rules on signal theft do not automatically grant broadcasters additional rights over program content. But this still left many fundamental differences of opinion. Protection of related rights of broadcast or cable broadcasting organizations is an important issue in the field of mass media. Broadcasters and cable carriers spend significant time and resources creating and producing their programming. Protection of their intellectual property rights is necessary to control the use of their programming tools and to prevent unauthorized copying and distribution.¹¹

For example, protection and protection of related rights of broadcasting or cable broadcasting organizations in Russia are important aspects of intellectual property rights legislation. Related rights are rights associated with the commercial use of works of art and literature, such as radio and television broadcasts, including cable and broadcast. In Russia, the protection of related rights of broadcast or cable broadcasting organizations is regulated by the Federal Law of July 14, 1995 No. 114 "On Copyright and Related Rights". This law defines the legal framework in the field of copyright and related rights in Russia, as well as the procedures for registration, use and protection of intellectual property rights.¹²

The main purpose of the legislation on copyright and related rights in Russia is to protect the rights of creators of works and the rights of owners of related rights to use them for commercial purposes. The law also defines the mechanisms to control the use of works of art and literature, including cable and radio broadcasting, and to compensate for damages caused by violations of related rights.¹³ One of the main elements of the legislation on copyright and related rights in Russia is the mechanism of collective management of rights. Within this mechanism, rights management organizations collect, distribute and protect related rights for the benefit of rights

¹¹ https://www.esa.int/About_Us/Law_at_ESA/Intellectual_Property_Rights/Sui_generis_right_protection

¹² Legal & Policy Focus - Broadcasters' Rights: Towards A New Wipo Treaty, <https://www.ebu.ch/files/live/sites/ebu/files/Publications/strategic/open/legal--policy-focus-broadcasters-right-wipo-treaty.pdf>

¹³ Goldstein, P. (2001). International Intellectual Property Law. Oxford University Press

holders. The Russian Society of Authors (RMO), the All-Russian Intellectual Property Organization, the Russian Organization for the Protection of Related Rights, and the Russian Phonographic Society. etc.¹⁴

Legal protection of related rights of broadcast or cable broadcasting organizations varies from country to country. Broadcasters and cable carriers in the United States are protected by federal copyright law. In America, the Copyright Act of 1976 gives broadcasters and cable operators exclusive rights to control the retransmission and reproduction of their programming.¹⁵ These rights include the right of cable systems and satellite carriers to permit or prohibit the retransmission of their programming. The law also provides for civil and criminal liability for violation of these rights. Broadcasters, cable companies and content producers have a vested interest in controlling the revenue streams associated with their contributions.¹⁶

Similarly, in Canada, the Broadcasting Act gives broadcasters the exclusive right to allow retransmission of their programs over cable and satellite systems. The law also provides for the enforcement of these rights through civil and criminal penalties.¹⁷ In many other countries, copyright law provides similar protections for broadcasters and cable carriers. These laws typically include provisions for enforcing these rights through civil and criminal penalties for violations.¹⁸ Protection of related rights of broadcast or cable broadcasting organizations is an important aspect of intellectual property law. There is a need for legislation and practical developments to solve this issue in Uzbekistan. In this section, we offer some recommendations on legislative and practical processes that could improve the protection and protection of the rights of broadcasting or cable broadcasting organizations in Uzbekistan.¹⁹

Proposals for legislation are as under,

First offer: Inclusion of a provision requiring broadcast or cable broadcasting organizations to register with a government agency to protect similar rights. This registration requirement ensures that only legal entities can claim the protection of related rights.

¹⁴ Ginsburg, JC, & Treppa, L. (2010). Protection of Broadcast Signals. In J. Drexl (Ed.), Research Handbook on Intellectual Property and Digital Technologies. Edward Elgar Publishing

¹⁵ https://regrek.ru/fz_ob_avtorsk_pravah.html

¹⁶ Gulyamov, S., & Raimberdiyev, S. (2023). Personal Data Protection as a Tool to Fight Cyber Corruption. *International Journal of Law and Policy*, 1(7). <https://doi.org/10.59022/ijlp.119>

¹⁷ https://ptn.su/Copiya/RAO_Rossiyskoye_avtorskoye_obschestvo.shtml

¹⁸ <https://www.canlii.org/en/ca/scc/doc/2012/2012scc68/2012scc68.html>

¹⁹ Cupi, D. (2024). The Role of the Albanian Media as Mediator and Creator of Collective Memory. *International Journal of Law and Policy*, 2(1). <https://doi.org/10.59022/ijlp.146>

Second suggestion: Establishing a dispute resolution mechanism between broadcast or cable broadcasting organizations and other parties who claim that their rights have been violated.

Third suggestion: Further strengthening of criminal and civil punishments, increasing the amount of fines for violation of related rights of broadcast or cable broadcasting organizations.

Fourth suggestion: The government of Uzbekistan should raise awareness among the general public, in particular, among content creators and users, about the rights of broadcast or cable broadcasting organizations.

Fifth suggestion: Governments should encourage the creation of collective management organizations to manage the rights of broadcast or cable broadcasters.

Sixth suggestion: Broadcasters or broadcasters should invest in digital watermarking technology to track their content across platforms and prevent piracy.

Conclusion

The protection of related rights of broadcast or cable broadcasting organizations is an important aspect of intellectual property rights. Legislative and practical developments are needed to ensure effective protection and enforcement of these rights. The proposals that we have described above can help to achieve this goal in Uzbekistan. Protecting the related rights of broadcast or cable broadcasting organizations is an important area of intellectual property law and plays a crucial role in facilitating the growth and development of the broadcasting industry. By encouraging investment in high-quality programs, these laws and regulations can contribute to the country's cultural and economic development. At the same time, it is important to ensure that these laws and regulations are proportionate and take into account the interests of all interested parties.

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