

## Website as an Intellectual Property

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### Abstract

Today, with the rapid development of modern technologies, there is an objective need for legal regulation of issues related to intellectual property in websites. However, current trends in the development of this branch of law indicate that at the moment there are some problems with the development of mechanisms for the legal protection of objects included in the website. Based on these problems, the author conducted a legal analysis and made proposals for improving the system of regulation of the protection of intellectual property in websites.

**Key words:** Intellectual Property, Website, Copyright, Industrial Design, Trademark, Patent, Intellectual Property, Intellectual Law

### Annotatsiya

Bugungi kunda zamonaviy texnologiyalarning jadal rivojlanishi bilan veb-saytlardagi intellektual mulkka oid masalalarni huquqiy tartibga solishga ob'ektiv ehtiyoj mavjud. Biroq, huquqning ushbu tarmog'i rivojlanishidagi joriy tendentsiyalar shuni ko'rsatadiki, hozirgi vaqtda veb-saytga kiritilgan ob'ektlarni huquqiy himoya qilish mexanizmlarini ishlab chiqishda ba'zi muammolar mavjud. Ushbu muammolarga asoslanib, muallif huquqiy tahlil o'tkazdi va veb-saytlardagi intellektual mulkni himoya qilishni tartibga solish tizimini takomillashtirish bo'yicha takliflar kiritdi.

**Kalit so'zlar:** Intellektual mulk, veb-sayt, mualliflik huquqi, sanoat namunasi, savdo belgisi, patent, intellektual mulk huquqi

### I. Introduction

Currently, a website or, alternatively, an information resource, as an object of intellectual property, is being actively introduced into the business environment of developed countries. In this regard, both in domestic and foreign literature, there are lively discussions about the legal status of a website and the proper regime for its protection. A website is a unit of information on the Internet; a resource of web pages (documents) grouped by a common theme and linked to each other using hyperlinks. It is registered to a legal entity or an individual and is necessarily associated with a specific

domain, its address.<sup>1</sup> There are several basic principles of such development. Thus, the most important of them are: web design, website page layout, web programming and web server modification, work through the Internet address system.

The very first website in human history was created in 1990 by Timothy John Berners-Lee, an employee of the European Center for Nuclear Research, and his colleague Robert Cailliau. The domain name of this site was "info.cern.ch".<sup>2</sup> In intellectual property law, a website is an information resource. A legally consistent interpretation of the term "website" has not yet been defined in the legislation of the Republic of Uzbekistan, but the Law "On Informatization" of the Republic of Uzbekistan contains the term "information resource," which is accordingly interpreted as a website.<sup>3</sup> Therefore, the sources of information specified in this Law include information, databases and electronic databases as part of information systems, including audio, video, graphic information, etc., which are published and posted in open access information systems.<sup>4</sup>

The legal classification of websites as information resources raises important questions about their protection under intellectual property laws. This categorization necessitates a nuanced approach to safeguarding the various components of a website, including its design elements, content, and underlying code. As the digital landscape continues to evolve at a rapid pace, legislators and legal scholars face the ongoing challenge of developing comprehensive and adaptable legal frameworks that can adequately protect the interests of website creators and owners while fostering innovation and preserving the open nature of the Internet. Moreover, the global nature of the Internet introduces additional complexities in terms of jurisdiction and enforcement of intellectual property rights related to websites.<sup>5</sup> As information resources transcend geographical boundaries, there is an increasing need for international cooperation and harmonization of laws to address issues such as cross-border infringement and the protection of digital assets. The ongoing discussions surrounding the legal status of websites also touch upon

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<sup>1</sup> 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>

<sup>2</sup> Internet source / The very first website // - Access mode URL: <https://www.nkj.ru/news/21493/>

<sup>3</sup> 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>

<sup>4</sup> Internet source / Law of the Republic of Uzbekistan "On Informatization" // - Access mode: URL: <https://lex.uz/acts/82956> (11.02.2003).

<sup>5</sup> AllahRakha, N. (2023). The impacts of Artificial Intelligence (AI) on business and its regulatory challenges. *International Journal of Law and Policy*, 1(1). <https://doi.org/10.59022/ijlp.23>

broader issues of digital rights, online privacy, and the balance between intellectual property protection and public access to information. As websites become increasingly sophisticated and integral to business operations, commerce, and public services, the legal and regulatory landscape must evolve to address new challenges and opportunities presented by this dynamic digital medium.

## II. Methodology

This study employs a multi-faceted approach to examine the legal status of websites as intellectual property, with a particular focus on the context of Uzbekistan. The research methodology consists of the following components:

- A comprehensive review of existing literature on intellectual property law, focusing on its application to digital assets, particularly websites. This includes academic journals, legal textbooks, and relevant publications from both domestic and international sources.
- An in-depth examination of current Uzbek legislation related to intellectual property and information technology, with special attention to the Law "On Informatization" and its implications for website protection.
- A comparative study of how websites are treated as intellectual property in various jurisdictions, particularly in developed countries, to identify best practices and potential areas for improvement in Uzbek law.
- Examination of relevant legal cases involving website intellectual property disputes, both in Uzbekistan and internationally, to understand practical applications of existing laws and identify potential gaps.
- Conducting semi-structured interviews with legal experts specializing in intellectual property and information technology law to gather insights on current challenges and potential solutions.
- A detailed breakdown of website components (design, content, software, etc.) to analyze how different elements of a website can be protected under various forms of intellectual property law.
- Analysis of policy documents and guidelines from relevant Uzbek government agencies and international organizations (e.g., WIPO) regarding the protection of digital assets.

This multi-method approach allows for a comprehensive understanding of the complex issues surrounding website protection as intellectual property, combining theoretical legal analysis with practical insights and international perspectives. The findings from these various methods are synthesized to form the basis of the discussion and recommendations presented in this paper.

### III. Results

When choosing a form of protection, one should start with the ease of their joint use. This is due to the peculiarity that separates patent forms from the field of copyright protection. Therefore, patents (registration of inventions, utility models, industrial designs and trademarks) are traditionally considered the most reliable form of protection, but registration procedures are relatively lengthy, material costs are high, and terms are Therefore, this form should be used mainly for objects with significant value and loss of rights, which can really affect the company's activities.<sup>6</sup> These objects are domain names, logos registered as trademarks, and the main idea of organizing and managing a site and what is implemented in software that the subject usually tries to register as an invention, and under the condition when - as a utility model.<sup>7</sup>

### IV. Discussion

The creation of any kind of website is associated with the creation of a new intellectual product. In this paper, we will consider the issue of the relationship of each website object with intellectual property.<sup>8</sup>

#### A. Website Design

Website design can be protected both as an industrial design and by copyright. In the first case, protection is appropriate if the site is original and it is necessary to preserve its uniqueness and protection appears as a result of registration. In the second case, protection arises automatically, but it is advisable to prepare documents confirming your rights and priority.

#### B. Design of Individual Elements

The design of individual elements can be protected as a trademark or as an industrial design. The form of protection is chosen depending on the type of element and its use. For example, creating a company logo will be considered as a trademark, and, say, creating an element for the background of a website is an industrial design. In both the first and second cases, protection will only arise as a result of registration.

#### C. Font

The font, if it is original, is protected as an industrial design, and protection appears at the time of registration.

<sup>6</sup> Abdikhakimov, I. (2023). Jurisdiction over Transnational Quantum Networks. *International Journal of Law and Policy*, 1(8). <https://doi.org/10.59022/ijlp.147>

<sup>7</sup> Victor Romashev. (2010). *CMS Drupal: Website content management system*. Peter.

<sup>8</sup> Hagen Graf. (2009). *Creating websites with Joomla! 1.5*. Williams Publishing House.

#### **D. System and Software Solutions for the Interaction of Individual Elements**

This kind of element can be protected as inventions or utility models, as well as by copyright. In the first case, protection is necessary in the case of the originality of technical ideas implemented in software, and it arises from the moment of registration. In the second case, protection arises automatically, but only with respect to the form of presentation, but it will be advisable to prepare documents confirming the rights and priority to this object, and the idea itself is not protected.

#### **E. Individual Program Blocks that Can Act as Separate Elements**

This kind of block can be protected as know-how and also by copyright. In the first case, protection is appropriate if competitors are interested in using them, and in order to protect this object, it is necessary to establish a regime of limited access. In the second case, protection arises automatically, but it is advisable to prepare special documents confirming the rights and priority of the owner to this object.

#### **F. Databases**

Databases can be protected in three variations. In the first case, as an invention or utility model, protection is needed if the technical ideas implemented in the software are original and it arises as a result of registration. In the second case, as know-how, protection is needed if competitors may be interested in using the database and arises by establishing limited access. In the third, by copyright, while protection arises automatically, but it is advisable to prepare documents confirming the rights and priority of the owner to this object.

#### **G. Musical Accompaniment**

Musical accompaniment can be protected as a trademark or by copyright. In the first case, it is advisable to protect it if it is original and intended for long-term use through registration. In the second case, protection arises automatically, but it is advisable to prepare documents confirming the rights and priority of the owner to this object.

#### **H. Articles, Reviews, Abstracts, etc. (Content)**

The content of web development is protected by copyright. Therefore, protection arises automatically, but a mechanism or system is needed in connection with constant updates, which will allow fixing the rights and priority of the owner to this object, such as depositing, etc.

#### **I. Video Sequence, Animation**

Video sequences and animation are protected as a trademark and also by copyright. In the first case, protection will be carried out if there are characters, if they were specially developed, unique and original. Protection arises at the time of registration. In

the second case, protection arises automatically, but it is advisable to specially prepare documents confirming the rights and priority of the owner to this object, especially if other forms of protection are not used. Protection of source objects protected by copyright exists from the moment of its creation, but, as indicated above, it is best to take additional measures to fix the rights. This is inevitable in the future, since there is simply no documentary evidence that the software, design or element was created or ordered by someone before the developer developed them.

### Conclusion

This study highlights that the legislation of the Republic of Uzbekistan in the field of intellectual property protection, encompassing both industrial property and copyright objects, currently only partially aligns with global norms and trends. This misalignment creates significant challenges for bona fide rightsholders in protecting their digital assets, particularly websites and their components. The current legal framework often falls short in allowing rightsholders to effectively cease violations and recover losses, highlighting a critical gap in the protection of intellectual property in the digital sphere. The issues surrounding the improvement of legislation in this area are more pressing than ever. The main problems identified in this study can be categorized into three primary areas:

- A. Shortcomings in Special Legislation:** The existing laws specific to intellectual property and digital assets in Uzbekistan lack the comprehensiveness and nuance required to address the complex nature of websites as intellectual property. This includes inadequate definitions, unclear protection mechanisms, and insufficient coverage of various website components.
- B. Judicial Preparedness:** Our research indicates that the court system in Uzbekistan is not fully equipped to handle the rapid and often technical nature of digital intellectual property disputes. There is a noticeable gap in the prompt consideration of such issues, which can lead to prolonged legal battles and inadequate protection for rightsholders.
- C. Corporate Strategy Deficiencies:** Many companies in Uzbekistan demonstrate an inability to correctly construct their intellectual property protection strategies, particularly in the digital realm. This lack of foresight often results in failure to prevent possible violations proactively, leaving businesses vulnerable to intellectual property infringement.

To address these challenges, a multi-pronged approach is necessary. Firstly, there is an urgent need for comprehensive reform of the special legislation governing intellectual property in the digital sphere. This should include clearer definitions of digital assets, more robust protection mechanisms for website components, and alignment with international best practices.

Secondly, there is a critical need for capacity building within the judicial system. This could involve specialized training for judges on digital intellectual property issues, the establishment of specialized courts or divisions to handle such cases, and the development of guidelines for prompt and effective resolution of digital IP disputes.

Thirdly, efforts should be made to educate and support businesses in developing proactive intellectual property protection strategies. This could include government-led initiatives, partnerships with educational institutions, and collaboration with international organizations specializing in IP protection.

Furthermore, given the global nature of the internet, it is imperative that Uzbekistan actively participates in international dialogues and agreements concerning digital intellectual property protection. This would not only help in harmonizing Uzbek laws with global standards but also provide additional avenues for protecting the rights of Uzbek intellectual property holders on the international stage.

In essence, the protection of websites as intellectual property in Uzbekistan requires a holistic approach that combines legislative reform, judicial capacity building, business education, and international cooperation. Only through such comprehensive efforts can Uzbekistan create a robust framework that adequately protects the rights of website creators and owners, fosters innovation in the digital space, and aligns with global intellectual property norms. As the digital landscape continues to evolve rapidly, it is crucial that Uzbekistan's legal and regulatory framework keeps pace, ensuring that it remains conducive to digital innovation while providing strong protections for intellectual property in the online world.

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