

SCIENCE
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Актуальные проблемы социальных и гуманитарных наук

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2026

SCIENCEPROBLEMS.UZ

**IJTIMOIIY-GUMANITAR FANLARNING
DOLZARB MUAMMOLARI**

№ S/1 (6) – 2026

**АКТУАЛЬНЫЕ ПРОБЛЕМЫ СОЦИАЛЬНО-
ГУМАНИТАРНЫХ НАУК**

ACTUAL PROBLEMS OF HUMANITIES AND SOCIAL SCIENCES

TOSHKENT-2025

BOSH MUHARRIR:

Isanova Feruza Tulqinovna

TAHRIR HAY'ATI:

07.00.00- TARIX FANLARI:

Yuldashev Anvar Ergashevich – tarix fanlari doktori, siyosiy fanlar nomzodi, professor;

Mavlanov Uktam Maxmasabirovich – tarix fanlari doktori, professor;

Xazratkulov Abror – tarix fanlari doktori, dotsent;

Tursunov Ravshan Normuratovich – tarix fanlari doktori;

Xolikulov Axmadjon Boymahmatovich – tarix fanlari doktori;

Gabrielyan Sofya Ivanovna – tarix fanlari doktori, dotsent;

Saidov Sarvar Atabullo o'g'li – katta ilmiy xodim, Imom Termiziy xalqaro ilmiy-tadqiqot markazi, ilmiy tadqiqotlar bo'limi.

08.00.00- IQTISODIYOT FANLARI:

Karlibayeva Raya Xojabayevna – iqtisodiyot fanlari doktori, professor;

Nasirxodjayeva Dilafruz Sabitxanovna – iqtisodiyot fanlari doktori, professor;

Ostonokulov Azamat Abdukarimovich – iqtisodiyot fanlari doktori, professor;

Arabov Nurali Uralovich – iqtisodiyot fanlari doktori, professor;

Xudoyqulov Sadirdin Karimovich – iqtisodiyot fanlari doktori, dotsent;

Azizov Sherzod O'ktamovich – iqtisodiyot fanlari doktori, dotsent;

Xojayev Azizxon Saidaloxonovich – iqtisodiyot fanlari doktori, dotsent

Xolov Aktam Xatamovich – iqtisodiyot fanlari bo'yicha falsafa doktori (PhD), dotsent;

Shadiyeva Dildora Xamidovna – iqtisodiyot fanlari bo'yicha falsafa doktori (PhD), dotsent v.b.;

Shakarov Qulmat Ashirovich – iqtisodiyot fanlari nomzodi, dotsent.;

Jabborova Charos Aminovna - iqtisodiyot fanlari bo'yicha falsafa doktori (PhD).

09.00.00- FALSAFA FANLARI:

Hakimov Nazar Hakimovich – falsafa fanlari doktori, professor;

Yaxshilikov Jo'raboy – falsafa fanlari doktori, professor;

G'aybullayev Otabek Muhammadiyevich – falsafa fanlari doktori, professor;

Saidova Kamola Uskanbayevna – falsafa fanlari doktori;

Hoshimxonov Mo'min – falsafa fanlari doktori, dotsent;

O'roqova Oysuluv Jamoliddinovna – falsafa fanlari doktori, dotsent;

Nosirxodjayeva Gulnora Abdukaxxarovna – falsafa fanlari nomzodi, dotsent;

Turdiyev Bexruz Sobirovich – falsafa fanlari doktori (DSc), Professor.

10.00.00- FILOLOGIYA FANLARI:

Axmedov Oybek Saporbayevich – filologiya fanlari doktori, professor;

Ko'chimov Shuxrat Norqizilovich – filologiya fanlari doktori, dotsent;

Hasanov Shavkat Ahadovich – filologiya fanlari doktori, professor;

Baxronova Dilrabo Keldiyorovna – filologiya fanlari doktori, professor;

Mirsanov G'aybullo Qulmurodovich – filologiya fanlari doktori, professor;

Salaxutdinova Musharraf Isamutdinovna – filologiya fanlari nomzodi, dotsent;

Kuchkarov Raxman Urmanovich – filologiya fanlari nomzodi, dotsent v/b;

Yunusov Mansur Abdullayevich – filologiya fanlari nomzodi;

Saidov Ulugbek Aripovich – filologiya fanlari nomzodi, dotsent;

Qodirova Muqaddas Tog'ayevna - filologiya fanlari nomzodi, dotsent.

12.00.00- YURIDIK FANLAR:

Axmedshayeva Mavlyuda Axatovna – yuridik fanlar doktori, professor;

Muxitdinova Firyuza Abdurashidovna – yuridik fanlar doktori, professor;

Esanova Zamira Normurotovna – yuridik fanlar doktori, professor, O'zbekiston Respublikasida xizmat ko'rsatgan yurist;

Hamroqulov Bahodir Mamasharifovich – yuridik fanlar doktori, professor v.b.,;

Zulfiqorov Sherzod Xurramovich – yuridik fanlar doktori, professor;

Xayitov Xushvaqt Saparbayevich – yuridik fanlar doktori, professor;

Asadov Shavkat G'aybullayevich – yuridik fanlar doktori, dotsent;

Ergashev Ikrom Abdurasulovich – yuridik fanlari doktori, professor;

Utemuratov Maxmut Ajimuratovich – yuridik fanlar nomzodi, professor;

Saydullayev Shaxzod Alixanovich – yuridik fanlar nomzodi, professor;

Hakimov Komil Baxtiyarovich – yuridik fanlar doktori, dotsent;

Yusupov Sardorbek Baxodirovich – yuridik fanlar doktori, professor;

Amirov Zafar Aktamovich – yuridik fanlar doktori (PhD);

Jo'rayev Sherzod Yuldashevich – yuridik fanlar nomzodi, dotsent;

Babadjanov Atabek Davronbekovich – yuridik fanlar nomzodi, professor;

Normatov Bekzod Akrom o'g'li — yuridik fanlar bo'yicha falsafa doktori;

Rahmatov Elyor Jumaboyevich — yuridik fanlar nomzodi;

13.00.00- PEDAGOGIKA FANLARI:

Xashimova Dildarxon Urinboyevna – pedagogika fanlari doktori, professor;

Ibragimova Gulnora Xavazmatovna – pedagogika fanlari doktori, professor;

Zakirova Feruza Maxmudovna – pedagogika fanlari doktori;

Kayumova Nasiba Ashurovna – pedagogika fanlari doktori, professor;

Taylanova Shoxida Zayniyevna – pedagogika fanlari

doktori, dotsent;

Jumaniyozova Muhayyo Tojiyevna – pedagogika fanlari doktori, dotsent;

Ibraximov Sanjar Urunbayevich – pedagogika fanlari doktori;

Javliyeva Shaxnoza Baxodirovna – pedagogika fanlari bo'yicha falsafa doktori (PhD);

Bobomurotova Latofat Elmurodovna — pedagogika fanlari bo'yicha falsafa doktori (PhD).

19.00.00- PSIXOLOGIYA FANLARI:

Karimova Vasila Mamanosirovna – psixologiya fanlari doktori, professor, Nizomiy nomidagi Toshkent davlat pedagogika universiteti;

Hayitov Oybek Eshboyevich – Jismoniy tarbiya va sport bo'yicha mutaxassislarni qayta tayyorlash va malakasini oshirish instituti, psixologiya fanlari doktori, professor

Umarova Navbahor Shokirovna– psixologiya fanlari doktori, dotsent, Nizomiy nomidagi Toshkent davlat pedagogika universiteti, Amaliy psixologiyasi kafedrasini mudiri;

Atabayeva Nargis Batirovna – psixologiya fanlari doktori, dotsent;

Shamshetova Anjim Karamaddinovna – psixologiya fanlari doktori, dotsent;

Qodirov Obid Safarovich – psixologiya fanlari doktori (PhD).

22.00.00- SOTSIOLOGIYA FANLARI:

Latipova Nodira Muxtarjanovna – sotsiologiya fanlari doktori, professor, O'zbekiston milliy universiteti kafedra mudiri;

Seitov Azamat Po'latovich – sotsiologiya fanlari doktori, professor, O'zbekiston milliy universiteti;

Sodiqova Shohida Marxaboyevna – sotsiologiya fanlari doktori, professor, O'zbekiston xalqaro islom akademiyasi.

23.00.00- SIYOSIY FANLAR

Nazarov Nasriddin Ataqulovich –siyosiy fanlar doktori, falsafa fanlari doktori, professor, Toshkent arxitektura qurilish instituti;

Bo'tayev Usmonjon Xayrullayevich –siyosiy fanlar doktori, dotsent, O'zbekiston milliy universiteti kafedra mudiri.

OAK Ro'yxati

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07.00.00 – TARIX FANLARI

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THEORETICAL AND LEGAL ASPECTS OF INCLUSION OF COPYRIGHT OBJECTS IN INTERNATIONAL TRADE

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Abstract. This paper provides insight into the theoretical foundations and legal frameworks that guide the inclusion of copyright objects in international trade. It reviews the relationship between intellectual property rights and global commerce, considering protection and regulations which apply to copyrighted materials—such as literature, art, and digital products—across borders. Highlighted are key international treaties, challenges in enforcement, and policy considerations that frame the trade in goods protected by copyright. The findings affirm the need for a coherent legal standard that would balance the rights holder's interest with the imperatives for equitable international trade practices.

Keywords: copyright objects, international trade, intellectual property rights, legal frameworks, international treaties, enforcement, global commerce.

XALQARO SAVDOGA MUALLIFLIK HUQUQI OBYEKTLARINI QO'SHISHNING NAZARIY VA HUQUQIY JIHATLARI

Fayzullayeva Shaxlo Jumaniyoz qizi

Toshkent davlat yuridik universiteti,
Xalqaro huquq va inson huquqlari kafedrası o'qituvchisi

Annotatsiya. Ushbu maqola xalqaro savdoga mualliflik huquqi ob'ektlarini kiritishga yo'naltiruvchi nazariy asoslar va huquqiy asoslarni o'rganish imkonini beradi. Unda intellektual mulk huquqlari va global tijorat o'rtasidagi munosabatlar ko'rib chiqiladi, chegaralar orqali mualliflik huquqi bilan himoyalangan materiallarga - masalan, adabiyot, san'at va raqamli mahsulotlarga nisbatan qo'llaniladigan himoya va qoidalar ko'rib chiqiladi. Asosiy xalqaro shartnomalar, ijro etishdagi qiyinchiliklar va mualliflik huquqi bilan himoyalangan tovarlar savdosini belgilovchi siyosat mulohazalari ta'kidlangan. Tadqiqot natijalari huquq egasining manfaatlarini adolatli xalqaro savdo amaliyoti uchun zarur bo'lgan shartlar bilan muvozanatlashtiradigan izchil huquqiy standartga ehtiyoj borligini tasdiqlaydi.

Kalit so'zlar: mualliflik huquqi obyektlari, xalqaro savdo, intellektual mulk huquqlari, huquqiy asoslar, xalqaro shartnomalar, ijro etish, global tijorat.

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Introduction. Considering the rapid globalization process, international trade involves copyright objects of major importance. Materials protected by copyright, such as literary, artistic, musical, and digital works, represent intellectual values that generate great interest and encourage innovation, the development of human relationships, and cultural diversity. The transborder situation of the trade commodity places in front, at both theoretical and legal levels, multifarious problems regarding the correlation between the protection of copyright object against unlawful use and its lawful circulation. The purpose of this paper is to turn to theoretical and legal aspects related to international protection of copyright and to focus

attention on international legal acts (the Berne Convention, TRIPS Agreement, and WIPO treaties) in the light of which it is possible to trace what rights and obligations attach to the subjects participating in international trade. Without knowledge of these frameworks, the very object of copyright cannot be fully integrated into international trade without the failure of one side in the person of creators or the failure of another side in the form of consumer interests.

Main part. The incorporation of copyright objects into international trade represents a sophisticated junction of intellectual property law, economics, and global commerce. Copyright objects, ranging from literary works and films to software and digital content, have turned into pivotal assets in the global marketplace. The theoretical debates rest on the intrinsic nature of these intangible goods and how their distinctive features challenge conventional trade frameworks. Unlike physical goods, copyright objects exhibit unique intangibility, non-rivalrous consumption, and potential for infinite reproduction, which complicates their classification and regulation within international trade systems. Such characteristics require specialized legal mechanisms that balance the protection of creators' rights with enabling the free flow of cultural and commercial goods across borders. One notable example is the *Warhol Foundation v. Goldsmith* case decided by the U.S. Supreme Court in 2023. This dispute revolved around whether Andy Warhol's use of Lynn Goldsmith's photograph of Prince constituted fair use. The Court ruled against Warhol's foundation, emphasizing that transformative use must be carefully assessed in light of market substitution. This decision has significant implications for international trade because it underscores how copyright objects—such as photographs and derivative artworks—can affect licensing markets across borders, influencing how creative works are valued and traded globally [1]. Another important case is *Jack Daniel's Properties v. VIP Products*, also decided in 2023. Although primarily a trademark case, it intersected with copyright principles by addressing parody and commercial use. The Court clarified that intellectual property rights cannot be easily bypassed under the guise of humor when the disputed object is part of international trade. This ruling highlights the theoretical tension between freedom of expression and the protection of copyright objects, especially when such goods circulate in international markets where parody and satire may be treated differently under local laws [2].

At the international level, disputes under the World Trade Organization (WTO) framework have also shaped the inclusion of copyright objects in trade. For instance, conflicts over software piracy and unauthorized distribution of audiovisual works have led to WTO panels reinforcing the obligations of member states under the TRIPS Agreement. These cases demonstrate the legal aspect of harmonizing national copyright enforcement with global trade rules, ensuring that copyright objects—whether software, films, or music—are protected consistently across jurisdictions. In summary, case law from national courts and international trade bodies reveals the complex interplay between copyright protection and global commerce [3]. Theoretical debates focus on balancing creativity, market access, and fair use, while legal rulings establish precedents that directly affect how copyright objects are licensed, distributed, and enforced in international trade [4].

The theoretical discourse revolves around a delicate balance between incentivizing creativity and promoting access to cultural goods. Intellectual property rights, and in particular copyright, have traditionally been considered an essential incentive that provides rewards for authors' creative work, therefore motivating innovation and cultural progress. On the other

hand, overprotection may hinder competition, reduce access, and even cause monopolistic barriers in international markets. From a trade viewpoint, this duality poses a policy challenge: how to pursue legal regimes that are respectful of creators' rights without undermining the principles of trade liberalization and consumer interests. The underlying theoretical frameworks often draw from economic theories of intellectual property, which stress the need for limited exclusivity as a tool to promote innovation while avoiding inefficiencies from overprotection. Thus, including copyright objects in international trade from a legal perspective comes under a very complicated network of treaties, agreements, and national laws [5]. Central among these is the Berne Convention for the Protection of Literary and Artistic Works, establishing minimum standards for the protection of copyright across its member countries. In turn, the Agreement on Trade-Related Aspects of Intellectual Property Rights, commonly called TRIPS, administered by the World Trade Organization, or WTO, provides enforceable standards in its linkage between intellectual property rights and international trade obligations. These legal instruments try to harmonize protection regimes in order to cut down conflicts between different national laws, ensuring that copyrighted works enjoy predictable protection and may be traded internationally with reduced legal uncertainty [6]. But the existence of these treaties alone does not solve problems. Enforcement is, in fact, one of the key barriers to the international trade of copyright objects. Most countries struggle to fight piracy, unauthorized distribution, and even counterfeiting in the digital realm. The transboundary nature of the internet has so facilitated the rapid spread of copyrighted information without permission that it has rendered traditional enforcement mechanisms very difficult [7]. Furthermore, differences in the ability to enforce and in priorities among countries extend uneven protection, leading to trade distortions and tensions in the marketplace [8]. The enforcement challenge requires more than legal harmonization but involves international cooperation, technological solutions, and capacity building as well.

Another serious legal issue relates to the definition and categorization of copyright objects in customs and trade legislation. Unlike physical goods, they do not fit into conventional tariff schedules and customs procedures. Thus, there has been ambiguity over which forms and types of control are required in the case of trade documentation. For customs administrations, identification and valuation expertise may be non-existent or very limited. This makes the efforts to regulate their cross-border movement suitably quite complicated. For these reasons, initiatives aimed at developing customs training for the enforcement of intellectual property rights have emerged, together with the establishment of special regimes for digital products, with the hope of finding the right balance between facilitating trade and preventing infringement [9]. New theoretical and legal problems arise with the revolutionary development of digital technology and the internet, which turned upside down the established structure of trade in copyright objects. Thus, this might change the traditional approach to the analysis of trade flow, as for the first time in history it is possible to distribute digital goods around the world at almost zero cost without transportation of physical goods. Thus, the regulation of licensing, DRM, territoriality of rights, and protection of digital content against unauthorized copying should be addressed by the legal frameworks [10]. Theoretical models have to take into account the complexity of cyberspace, where several jurisdictional overlaps and enforcements limit the protection of copyright objects in trade. Policy-wise, the representation of copyright objects in international trade requires states to strongly negotiate their position.

Generally speaking, developing countries want flexible intellectual property rules that should establish a proper balance between the development of creative industries and access to knowledge and technology. On the other side, countries with developed creative sectors seek strong protection against the cannibalization of their economic interests [11]. This is what can be seen in all ongoing debates in the WTO, WIPO, and even in a variety of free trade agreements, which have been continuously shaping trade relations through intellectual property chapters. These negotiations reveal the political nature of the copyright law in international commerce and the need to craft balanced agreements that recognize diverse developmental needs.

Economic studies confirm that the objects of copyright constitute one of the most dynamic elements of the global economy, as creative industries become increasingly significant sources of trade revenue and employment both nationally and worldwide [12]. Their inclusion within international trade frameworks thus supports economic growth, cultural exchange, and technological innovation. These benefits, however, are predicated upon effective legal regimes that balance appropriate protection for the rights holders with fair market access. Economic theories stress that optimal duration and scope of copyright protection would maximize society's welfare and point out that international trade law must remain flexible in order to balance private incentives with public interest. Paul Goldstein, in his seminal work *International Copyright: Principles, Law, and Practice*, emphasizes that the inclusion of copyright objects in international trade requires harmonization of national laws under frameworks such as the Berne Convention and TRIPS Agreement. He argues that copyright objects—whether books, films, or software—are increasingly traded across borders, and inconsistent national rules create barriers to commerce. Goldstein highlights that the theoretical foundation of copyright in trade lies in balancing creators' exclusive rights with the free flow of cultural goods. Legally, he stresses that international treaties provide a baseline but leave significant discretion to national courts, which can lead to fragmentation in enforcement. This tension underscores the need for stronger global mechanisms to ensure that copyright objects are treated consistently in international trade [13]. Dr. Simone Schroff, writing in the *Journal of Intellectual Property Law & Practice*, critiques the assumption that copyright law effectively supports creative industries in international trade. She argues that the theoretical rationale for copyright—encouraging creativity by granting exclusive rights—has been politicized and often fails to deliver equitable results in global commerce. Schroff points out that reforms stagnate because stakeholders disagree on whether copyright should primarily serve economic or cultural functions. Legally, she notes that copyright objects in trade often face disputes over licensing, fair use, and digital distribution, which complicate enforcement across jurisdictions. Her perspective suggests that copyright, while central to international trade, may not always be the most efficient instrument for promoting cultural exchange and economic growth [14]. Ge Chen, in his WIPO paper *Fragmentation of International Law: the Impact on Access to Knowledge in International Copyright Law*, examines how the fragmented nature of international law affects the inclusion of copyright objects in trade. He argues that copyright sits at the intersection of intellectual property, trade, and human rights law, creating overlapping obligations and conflicts. Theoretically, Chen highlights that copyright objects are not just commodities but carriers of cultural welfare, and trade rules must account for access to knowledge. Legally, he warns that the fragmented regime leads to inconsistent enforcement, undermining both creators' rights and consumers' access. His analysis underscores the need

for institutional reforms under the WIPO Development Agenda to better integrate copyright into international trade while safeguarding public interests [15]. Chelsea Bodimeade and Felicity Deane, in their article *Evolving Theory of IP Rights: Promoting Human Rights in TRIPS*, argue that the inclusion of copyright objects in international trade must be understood through the lens of human rights. They contend that copyright law, when embedded in trade agreements like TRIPS, risks prioritizing commercial interests over cultural and educational access. Theoretically, they propose that copyright objects should be treated not only as tradable goods but also as vehicles for human development. Legally, they highlight that TRIPS obligations often clash with national policies aimed at ensuring access to knowledge, particularly in developing countries. Their perspective calls for a rethinking of trade law to balance intellectual property enforcement with broader social and cultural rights [16].

Conclusion. In sum, the theoretical and legal questions of inserting copyright objects into international trade are multidimensional and mutually influencing, reflecting the peculiar character of intellectual property as a traded commodity. International legal regimes, such as the Berne Convention and TRIPS, establish a framework for harmonization; however, enforcement and finding answers to new challenges in the digital era remain currently unresolved problems. The balance between protection and access needs permanent dialogue and cooperation among nations, underpinning both legal innovation and technological development. If these factors are taken properly into consideration, copyright objects will be fairly positioned within international trade to contribute to creativity, economic growth, and cultural variety worldwide. In the long run, future legal approaches will have to take into consideration the rise of artificial intelligence, blockchain for copyright management, and changing consumer behaviors if international copyright trade regimes are to remain relevant and effective. Meeting legal norms with technological realities and fair policy objectives will be crucial in maintaining the integrity of copyright objects as viable commodities in international trade for the 21st century. Continued development in both theoretical comprehension and legal tools is necessary to traverse the dynamic nature of intellectual property in international commerce. Summary/Conclusion The international trade of copyright objects poses various theoretical and legal problems; hence, coherent regulatory solutions are in high demand. International treaties set a general framework for protecting copyright on an international scale. However, the very essence of national laws and enforcement mechanisms has not yet been fully harmonized. Yet, harmonization could improve the balance between protection of intellectual property rights and the promotion of free and fair trade. A more co-operative attitude from states and their adaptation to changing technologies are crucial to further improve the regulatory environment for copyright objects in international trade. After all, coming to a better consensus between rights holders and traders ensures conditions in which innovation, cultural diversity, and economic development within the international market will flourish more precisely.

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