

Copyright and Translation Rights in Uzbekistan: Legal Foundations for Translating Foreign Works into Uzbek

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ABSTRACT: This article examines the legal foundations and practical procedures involved in translating foreign literary works into Uzbek within the framework of copyright and translation rights. It highlights the importance of obtaining formal permission from authors or rights holders, the mechanisms of licensing agreements, and how Uzbek legislation aligns with international standards on copyright protection.

Keywords: *copyright, translation rights, licensing, Uzbek literature, Berne Convention, intellectual property, legal framework*

1. Introduction

Copyright law is a key institution in regulating creative activity in the modern information society. One essential part of copyright is the exclusive right to translate a work into other languages. Translation is not only a tool for cultural exchange but also a legally protected act under copyright law.

In Uzbekistan, translating foreign works without proper authorization can constitute a breach of copyright law. As a growing number of Uzbek publishers and translators seek to bring world literature into Uzbek, understanding the legal responsibilities and rights associated with translation is vital.

2. Copyright and Translation Rights: Key Concepts

Copyright is divided into two major categories:

- **Moral rights:** including the right to claim authorship and to object to derogatory treatment of the work.
- **Economic rights:** including the right to reproduce, distribute, publicly perform, and translate the work.

The right to translate a work is one of the core economic rights of an author or a legal rights holder. This right is protected in Uzbekistan by:

- The Civil Code of the Republic of Uzbekistan (Articles 1036–1048)
- The Law of the Republic of Uzbekistan "On Copyright and Related Rights" (adopted July 20, 2001)

Excerpt from Article 1039 of the Civil Code:

“The author shall have the exclusive right to use their work in any form and by any means. This right includes, in particular, the rights to reproduction, distribution, public display, performance, and translation of the work.”

- **Legal commentary:** This provision clearly defines that the act of translating a work is treated equally with other core uses such as reproduction and distribution. Any unauthorized translation—even for nonprofit purposes—can be subject to legal action if done without the express consent of the rights holder. It also confirms that the translation right is not a separate category, but an integrated aspect of economic rights held by the author.

Under these laws, no one has the right to translate a work without prior written consent from the copyright holder.

3. Legal Basis for Translation Activity in Uzbekistan

3.1. *The Necessity of Authorization*

Before translating a foreign literary work into Uzbek, it is mandatory to obtain written permission from the author or their representative (publisher, agent, or

licensing body). Unauthorized translations can be considered copyright infringement and lead to civil or even criminal liability.

3.2. Types of Licensing Agreements

- **Exclusive license:** grants the licensee sole rights to translate and publish the work in a specific language or territory.
- **Non-exclusive license:** allows multiple entities to hold translation rights simultaneously.
- **Flat-fee or royalty-based terms:** determine the financial terms, either as a one-time payment or ongoing royalties based on distribution.

3.3. The Authorization Process

1. Identify the current copyright holder (author, publisher, or agency).
2. Send a formal request outlining the purpose, scope, and proposed terms of the translation.
3. Negotiate and sign a written licensing agreement.
4. Proceed with translation and publication only within the agreed scope.

4. International Standards and Comparative Practice

4.1. Uzbekistan is a signatory to the Berne Convention for the Protection of Literary and Artistic Works, which obligates it to uphold translation rights internationally. The principles established by WIPO (World Intellectual Property Organization) and UNESCO also influence domestic law.

In many countries, including Uzbekistan, translation without a license is only permitted under very limited exceptions (e.g., education or parody under fair use provisions), none of which apply to commercial publication.

4.2. Public Domain Exception under Berne Convention

According to Article 7 of the Berne Convention, literary and artistic works shall be protected during the lifetime of the author and for 50 years after their death.

However, many member countries, including Uzbekistan, have extended this period to **70 years post mortem auctoris (PMA)**. After this term expires, the work enters the **public domain**, meaning it can be freely used, including for translation, without requiring authorization or licensing.

Illustrative Examples:

- The works of Leo Tolstoy (d. 1910), such as *War and Peace* or *Anna Karenina*, are in the public domain and may be translated into any language without obtaining a license.
- The novels of Charles Dickens (d. 1870), like *Great Expectations* and *Oliver Twist*, are also in the public domain.
- The literary contributions of Jane Austen (d. 1817), including *Pride and Prejudice*, are likewise free to use and translate.
- The writings of Jack London (d. 1916), such as *The Call of the Wild* and *White Fang*, are also in the public domain and available for unrestricted translation and adaptation.

These classic authors' works can be retranslated, adapted, and published without restriction, provided that no modern edited versions with renewed copyright are used.

Implication: If a foreign literary work's author died more than 70 years ago, their work is considered public domain in Uzbekistan, and it may be translated and published without a license. Nevertheless, due diligence should be taken to verify the author's date of death and the applicable national law.

5. Challenges and Recommendations

- **Awareness gap:** Many translators and small publishers are unaware of legal obligations, risking inadvertent violations.
- **Institutional support:** There is a need for training programs and legal advisory services for literary translators and publishers.

- **Policy suggestion:** Establishing a national agency for translation rights clearance could streamline the process.

6. Conclusion

Respect for copyright and translation rights is essential for the ethical and legal dissemination of foreign literature in Uzbekistan. By obtaining proper authorization and following established procedures, translators and publishers not only comply with the law but also foster mutual respect and trust in the global literary community.

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