

CIVIL LIABILITY FOR INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS IN THE DIGITAL AGE

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Annotatiton

This paper examines the concept and mechanisms of civil liability for infringement of intellectual property rights in the context of digitalization and the rapid development of artificial intelligence technologies. The study analyzes the transformation of traditional models of liability due to the emergence of complex technological systems, including online platforms and AI-based solutions. Particular attention is paid to the identification of liable subjects, the role of intermediaries, and the effectiveness of civil remedies such as damages and injunctions. The paper argues that modern challenges require the development of a more flexible and comprehensive legal framework, including the possible recognition of a sui generis regime for certain digital objects.

Keywords: intellectual property, civil liability, infringement, artificial intelligence, digital platforms, damages, injunction, sui generis

Annotatsiya

Mazkur tezis raqamlashtirish va sun'iy intellekt texnologiyalarining jadal rivojlanishi sharoitida intellektual mulk huquqlarini buzganlik uchun fuqarolik-huquqiy javobgarlik masalalarini tahlil qiladi. Tadqiqotda an'anaviy javobgarlik modellari zamonaviy texnologik tizimlar, xususan, onlayn platformalar va sun'iy intellekt asosidagi tizimlar ta'sirida qanday o'zgarayotgani o'rganiladi. Shuningdek, javobgar subyektni aniqlash, vositachilarning roli hamda zarar undirish va taqiqlov choralarining samaradorligi masalalariga alohida e'tibor qaratiladi. Tadqiqot natijasida zamonaviy sharoitda ayrim raqamli obyektlar uchun alohida (sui generis) huquqiy rejim zarurligi asoslab beriladi.

Kalit so'zlar: intellektual mulk, fuqarolik javobgarligi, huquqbuzarlik, sun'iy intellekt, raqamli platformalar, zarar, taqiqlov, sui generis

The protection of intellectual property (IP) rights has long been a cornerstone of civil law systems. Traditionally, civil liability for IP infringement has been based on a relatively simple model involving a direct relationship between the infringer and the right holder. However, the rapid development of digital technologies, artificial intelligence (AI), and online platforms has significantly transformed this paradigm.

Today, IP infringement often occurs in complex digital environments where multiple actors are involved, including content creators, platform operators, and algorithmic systems. This evolution raises fundamental legal questions regarding the identification of liable parties, the scope of liability, and the adequacy of existing civil law remedies.

The purpose of this paper is to analyze the concept of civil liability for IP infringement in the digital age, identify its key challenges, and propose theoretical approaches for its further development.

1. Concept of Civil Liability for IP Infringement

Civil liability for infringement of intellectual property rights is generally understood as the obligation of a person who has violated exclusive rights to compensate the right holder for damages or to eliminate the consequences of such violation.

The classical model of liability includes the following elements:

- unlawful conduct (infringement),
- damage,
- causal link,
- fault (in most jurisdictions).

In the context of IP law, infringement may take various forms, including unauthorized reproduction, distribution, public communication, or use of protected objects.

However, digital technologies have complicated this structure by introducing indirect and technologically mediated forms of infringement.

2. Transformation of Liability in the Digital Environment

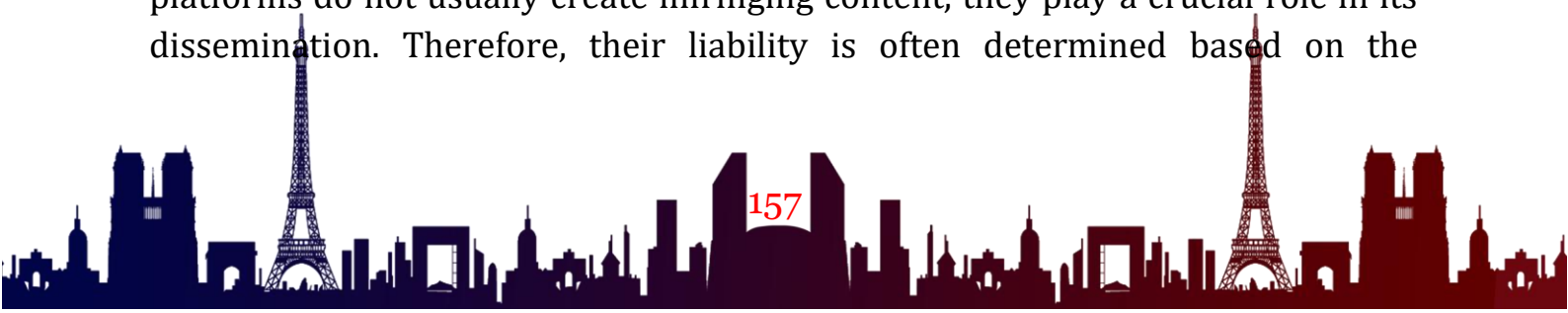
The emergence of digital platforms has fundamentally changed the nature of IP infringement. Unlike traditional scenarios, modern infringements often involve multiple participants.

For instance:

- a user uploads infringing content,
- a platform stores and distributes it,
- algorithms promote and monetize it.

This leads to the so-called **multi-layered liability model**, where responsibility may be shared or distributed among several actors.

A key issue in this context is the legal status of intermediaries. While platforms do not usually create infringing content, they play a crucial role in its dissemination. Therefore, their liability is often determined based on the



knowledge and control test, i.e., whether they knew or should have known about the infringement and whether they had the ability to prevent it.

3. Civil Liability and Artificial Intelligence

Artificial intelligence introduces an additional layer of complexity. AI systems are capable of generating content that may infringe intellectual property rights, such as texts, images, or music.

From a legal perspective, AI systems:

- are not recognized as subjects of law,
- are considered either tools or objects (software or complex technological systems).

As a result, liability cannot be imposed on AI itself. Instead, it may be assigned to:

- developers,
- operators,
- users.

However, the autonomous nature of AI challenges traditional fault-based liability models. In certain cases, it becomes difficult to determine who is responsible for the infringement.

This has led to discussions about the need for:

- strict liability regimes,
- risk-based approaches,
- or even a **sui generis legal framework** for AI-related activities.

4. Civil Remedies for IP Infringement

Civil law provides several mechanisms to protect intellectual property rights.

4.1 Damages

Damages remain the primary remedy and aim to compensate the right holder for economic losses. In IP cases, damages may include:

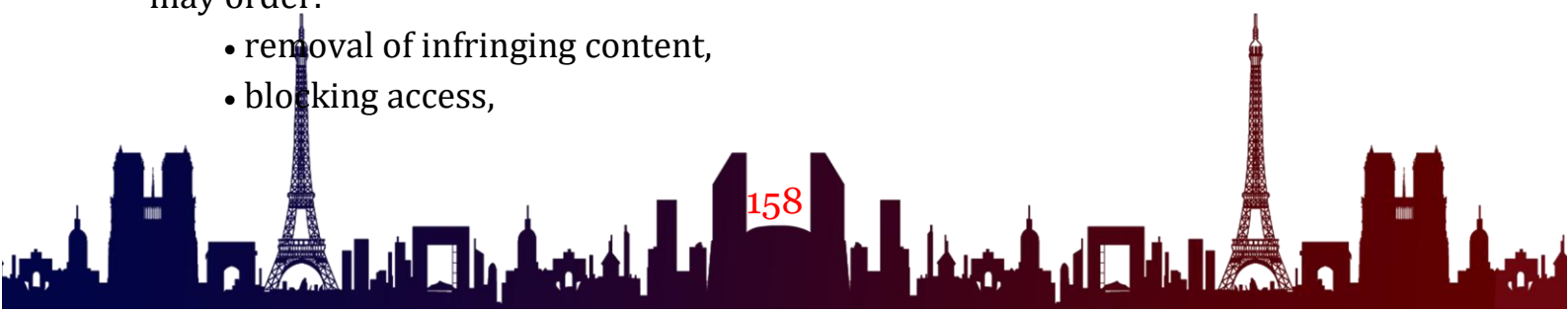
- actual losses,
- lost profits,
- unjust enrichment of the infringer.

However, in digital environments, calculating damages is particularly challenging due to the scale and speed of dissemination.

4.2 Injunctions

Injunctions play a crucial role in preventing further infringement. Courts may order:

- removal of infringing content,
- blocking access,



- cessation of unlawful activities.

Importantly, injunctions may also be imposed on intermediaries, even if they are not directly liable for damages. This reflects the preventive function of civil liability.

4.3 Other Remedies

Additional remedies may include:

- seizure or destruction of infringing goods,
- publication of court decisions,
- recovery of profits.

These measures are aimed at restoring the violated rights and preventing future infringements.

5. Need for Legal Reform

The analysis shows that traditional civil liability mechanisms are not fully adapted to modern technological realities. The main challenges include:

- difficulty in identifying liable parties,
- cross-border nature of infringements,
- involvement of autonomous systems.

Therefore, it is necessary to:

- develop clearer rules for intermediary liability,
- adapt fault-based models to technological risks,
- consider the introduction of sui generis regimes for digital and AI-generated objects.

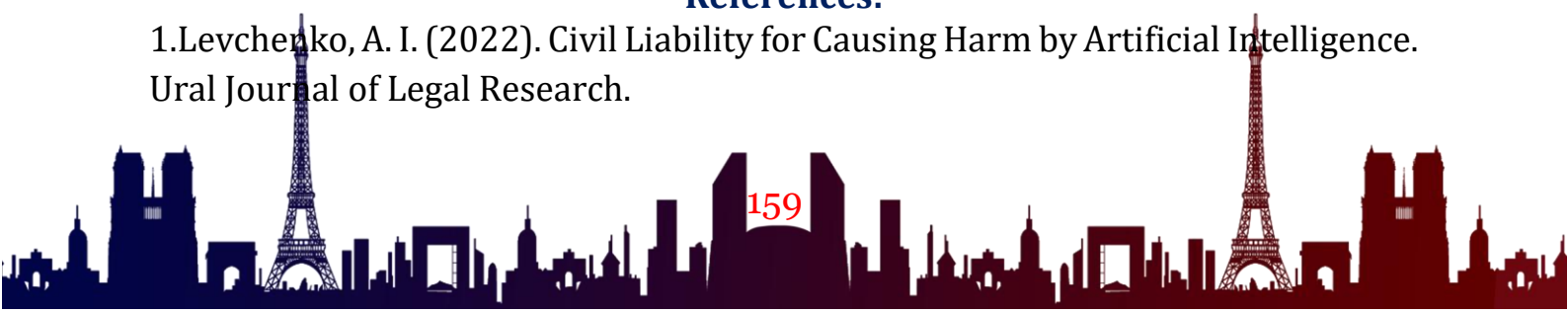
Civil liability for infringement of intellectual property rights is undergoing a significant transformation in the digital age. The traditional model, based on direct liability of the infringer, is no longer sufficient to address the complexities of modern technological environments.

The increasing role of digital platforms and artificial intelligence requires a rethinking of key legal concepts, including liability, fault, and causation. In particular, the identification of responsible parties and the application of effective remedies remain central challenges.

In this context, the development of a flexible and adaptive legal framework, possibly including sui generis solutions, is essential to ensure effective protection of intellectual property rights while maintaining a balance between innovation and legal certainty.

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