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**ISSUES OF COPYRIGHT AND ALLIED RIGHTS PROTECTION
 ON THE INTERNET**

Annotation

This article reviews the issue of protecting intellectual property rights on the Internet. The need for copyright protection on the Web identified and justified to maintain its wealth and the development of its state. It is said that personal rights to a work on the Internet can be violated by assigning authorship to work, incorrectly specifying the author's name when posting the work, making changes to it without the consent of the creator. Property copyrights often violated by making a profit from the use of creative work by a person who does not have the right to earn money on a job. Often the violation of personal and property rights on the Internet is interconnected. It is emphasized that copyright protection on the Internet still does not have legal coverage in various bills of our state. The necessity to develop and discuss security issues on the Internet is a fairly significant topic in our time. People began to pay serious attention to this problem recently when the World Wide Web became commonplace for people. The number of violations of the author's rights or another copyright holder on the Internet is growing year by year. In conditions of fierce competition, it is faster and easier to steal someone's intellectual property and make a name for it than to create own. The topicality of the copyright protection problem lies in the fact that not all possibilities of copyright protection placed in the norms of the Civil Code of the Republic of Kazakhstan implemented in practice, especially concerning copyright protection on the Internet.

Keywords: *copyright, intellectual property, internet, digital marketing, owner, piracy, author.*

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**АВТОРЛЫҚ ЖӘНЕ САБАҚТАС ҚҰҚЫҚТАРДЫ ИНТЕРНЕТ
 ЖЕЛІСІНДЕ ҚОРҒАУ МӘСЕЛЕЛЕРІ**

Аннотация

Мақалада интернет желісіндегі интеллектуалдық меншік құқығын қорғау мәселесі қарастырылған. Интернетте авторлық құқықты қорғаудың қажеттілігі жеке байлығын сақтау мен өз мемлекетінің дамуы үшін аса маңызды екендігі негізге алынған және нақтыланған. Интернеттегі туындыға жеке құқықты бұзу өнімге авторлық құқықты беру, жұмысты жариялау кезінде автордың аты-жөнін дұрыс көрсетпеу, жасаушының келісімінсіз өзгерту енгізу жолдары арқылы жүзеге асырылады делінген. Жеке меншіктік авторлық құқық көбінесе шығарма-

дан ақша табуға құқығы жоқ адамның шығармашылық жұмысты пайдаланудан пайда табу арқылы бұзылады. Интернеттегі жеке және мүлкітік құқықтардың бұзылуы көбінесе өзара байланысты. Интернеттегі авторлық құқықты қорғау әлі күнге дейін мемлекетіміздің әртүрлі заң жобаларында заңды түрде тиісті деңгейде қамтылмағандығы баса айтылды. Интернеттегі қауіпсіздік мәселелерін дамыту және талқылау қажеттілігі қазіргі уақытта өте маңызды тақырып болып табылады. Бұл проблемаға адамдар «бүкіләлемдік галамтор» адамзатқа тіптен қолжетімді болған тұста айтарлықтай мән бере бастады. Интернеттегі автордың немесе басқа авторлық құқық иелерінің құқықтарын бұзу әрекеттерінің саны жыл санап артып келеді. Себебі, қатал бәсекелестік жағдайында өзіңіздің жеке меншігіңізді жасаудан гөрі біреудің интеллектуалдық меншігін ұрлап, пайда табу жылдамырақ және оңайырақ болуда. Авторлық құқықты қорғау проблемасының өзектілігі Қазақстан Республикасының Азаматтық кодексінің нормаларында қарастырылған авторлық құқықты қорғаудың барлық мүмкіндіктері іс жүзінде, әсіресе интернеттегі авторлық құқықты қорғауда жеткілікті деңгейде қолданылмайтындығында нақты көрініс табуда.

Түйінді сөздер: авторлық құқық, интеллектуалдық меншік, интернет, нарық контенті, құқық иеленуші, қарақшылық, автор.

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ВОПРОСЫ ЗАЩИТЫ АВТОРСКИХ И СМЕЖНЫХ ПРАВ В СЕТИ ИНТЕРНЕТ

Аннотация

В данной статье рассматривается проблема защиты прав на интеллектуальную собственность в сети Интернет. Выявляется и обосновывается необходимость защиты авторских прав в Сети для поддержания собственного достатка и развития своего государства. Говорится о том, что личные права на произведение в Интернете могут быть нарушены путем присвоения авторства на произведение, неверного указания имени автора при размещении работы, внесения в нее правок без согласия создателя. Имущественные авторские права чаще всего нарушаются путем извлечения прибыли от использования творческой работы лицом, которое не имеет прав зарабатывать на произведении. Часто нарушение личных и имущественных прав в Интернете взаимосвязано. Подчеркивается, что защита авторских прав в сети Интернет до сих пор не имеет правового освящения в различных законопроектах нашего государства. Необходимость в разработке и обсуждении вопросов защиты в сети Интернет – достаточно значимая тема в наше время. Серьезное внимание на эту проблему люди стали обращать сравнительно недавно, когда «всемирная паутина» стала обыденностью для человека. Количество нарушений прав автора или иного правообладателя в интернете растет год от года, так как в условиях ожесточенной конкуренции быстрее и проще украсть чужую интеллектуальную собственность и сделать себе имя, нежели создавать свою. Актуальность проблемы защиты авторских прав состоит в том, что не все возможности защиты авторских прав, заложенные в нормах ГК РК, реализуются на практике, особенно это касается защиты авторских прав в Интернете.

Ключевые слова: авторское право, интеллектуальная собственность, интернет, контент-рынок, правообладатель, пиратство, автор.

Introduction. Currently, the Global Network plays an important

role in the life of every society. Every year the World Wide Web is gaining more and more popularity, and perhaps this is since the Internet provides ample opportunities for receiving, sharing and disseminating all kinds of information, which, by the way, is very easy to use. Unfortunately, people very easily enjoy the freedom that is granted to them on the Internet, and this factor further affects the widespread violation of copyright in this area. It is due to the talent of others that the creators of various sites and forums are accustomed to enrich themselves.

Methods. The methodological basis of the work was the method of cognition, general scientific and private scientific methods of study. In addition, the works of domestic and foreign jurists were used.

Literature review. Many scholars have dealt with issues related to copyright protection on the Internet, such as F.F. Gaysin, O.A. Kovaleva, E.D. Perun, T.E. Kaudyrov, V.O. Kalyatin, D. Bratus, S.M. Baymoldina and others. However, these experts considered these issues within the framework of civil law, the exclusive right to the results of intellectual activity, but not within the scope of information legal relations. The issue of legislative consolidation of citizens' rights to copyright protection on the Internet, including the general legal regime for using the information on the World Wide Web, has not been fully studied. And in this article, the author paid attention to the study of this particular issue. The most famous international legal acts related to copyright are the Berne Convention for the Protection of Literary and Artistic Works (September 9, 1886) and the Universal Copyright Convention. However, these legislative acts do not pay attention to the issue of copyright protection on the Internet. Perhaps this fact affects the fact that in the vastness of the Internet environment you can find anything, including scientific papers, audio, and video recordings. Impunity, the absence of visible barriers and restrictions on the use of information is what drives people.

Results. Copyright protection in scientific literature is defined as a set of measures aimed at restoring or recognizing copyright and allied rights and protecting the interests of their owners in case of infringement or challenge.

The Civil Code of the Republic of Kazakhstan legislation contains sufficient regulation of types, forms, means and methods of copyright protection and allied rights. Norms on copyright protection are placed in Chapter 9 of the Civil Code of the Republic of Kazakhstan, which is common for any intellectual property relations. Directly in Chapter 50 "Copyright" of the Civil Code of the Republic of Kazakhstan set out clarifying rules in articles 1290, 971-984 of the Civil Code; in addition, in relation to the protection of allied rights in articles 985-990 of the Civil Code.

Thomas Edison is known to us as the inventor of the incandescent

lamp. And although the first developments in this direction were already ten years before its opening around the world, it is considered the father of modern power grids. The fact that the great American was a supporter of the use of direct current despite the fact that the whole world was confident in the prospects of alternating does not bother the public.

But the palm of victory is given to Edison forever, and no one is going to challenge it, because the enterprising American has developed the entire accompanying system of electric lighting – socles, generators, transmitters. And most importantly, he has patented it [1].

In one of his speeches T. Tulegenov noted that today the problem of intellectual property protection is becoming widespread. Thus, according to the global report of the international trade Association Business Software Alliance, more than 70% of software in Kazakhstan is pirated copies. In monetary terms, these are 136 million dollars of unpaid royalties. For comparison: in Europe, users of unlicensed copies are only 29%, and in neighboring Russia it is 62% [2].

The Law “On copyright and allied rights” is in force in the Republic of Kazakhstan now and for more than two decades. It fully complies with the requirements of the Berne Convention for the protection of literary and artistic works.

Moreover, Kazakhstan has acceded to all international conventions in the field of copyright protection.

For copyright infringement, it is not administrative, but criminal liability.

In this case, the offender, in addition to compensation for damage to the right holder, which is assessed by a special Commission and fixed by a court decision, will have to pay a significant fine (from 100 MCI) and can be brought to correctional or community service for up to 160 hours or arrest for up to forty days. It remains only to prove that the creation is really yours, and the attacker used it illegally.

You should fix the fact of authorship of own work. Methods of such fixation today are not limited. The most common way of fixing authorship is to deposit your work in specialized organizations.

In simple terms, you need to send a copy of your product to a company that acknowledges your authorship.

In such situations, you should try to contact the owner of the site, with the requirement to stop actions that violate your copyright. In case of failure to comply with the requirements, you can safely go to court for the restoration of their copyright and related rights.

The emergence and development of the Internet contributed to a sharp expansion of information capabilities of the individual and society. At the moment, the Internet is the center of all kinds of information and in the future, obviously, will be the main source of information in the world.

The development of Internet technologies and, in particular, the emergence of Web 2.0 has posed new challenges in the regulation of copyright on the Internet.

Due to the development of technologies that allow users to freely share different works, there are problems related to copyright compliance, in particular, issues of responsibility of platforms.

Undoubtedly, from the point of view of public benefit, the more literary and musical works, films, software and databases are published on the Internet, the better, since technologies and services of the Internet make it possible to quickly and with minimal economic costs to provide the required object to a large number of users, thereby contributing to the development of the individual and society. Often, however, when publishing or placing certain objects on the Internet, the conditions for copyright infringement are violated or created, and it becomes obvious that the freedom of information exchange can go not only for the good, but also for the harm.

No one today will argue with the statement that the Internet is a phenomenon. The phenomenon took place, useful on the one hand and harmful on the other. According to statistics, the number of Internet users in Kazakhstan at the end of September 2018 reached 2.5 million, which is 2% less than a year earlier [3].

Among the users of the world information web, we can distinguish those who use the information network to search for and obtain the necessary paid and free information and services, and those who not only search, read, buy, play, but also create web pages themselves, exposing information to the network.

Such daily activities as browsing the web, storing their contents in the computer memory, copying texts, images, sounds, familiarization with them to an unlimited number of users, occur within the framework of copyright protection.

Copyright protection on the Internet with the help of modern computer technologies depends primarily on how well their capabilities are used.

And that's where the problem comes in. The problem of copyright is on the Internet. Some people believe that the Network should be subject to the usual laws; others say that copyright on the Internet is a virtual category. That is, the spread of opinions from the rule of law on the Internet to complete freedom of action.

The most common problem of copyright infringement on the Internet is a literary piracy. As such, we understand the intentional attribution of authorship of a work of science, literature or art, video or audio materials, photos or even software owned by a third person.

It is much easier to copy someone else's content than to create

something original and attractive to the consumer.

Therefore, it is often possible to find the same or very similar product on different resources, and it is quite problematic to establish who the real Creator of this Internet product is. This forces the owners of a unique, copyrighted product to insist on legislative protection of their rights.

To date, there are no rules governing the activities of the world information web. Therefore, most often violated rights on the Internet are rights to intellectual property, in particular, copyrights of individuals and legal entities.

In some national copyright laws, there is a provision that any copying of material without the knowledge of the copyright holder is unacceptable. But it is obvious that the download of information from the Internet to each personal computer cannot occur with the knowledge of the copyright holder. This is the complexity of creating legal norms regulating activities on the Internet, which requires a combination of freedom of access to information and information security. If the user intends to commercially use in my activities of author's work (including the use of Internet technologies), in particular, borrowed from the Internet, in accordance with the Civil Code and Law of the Republic of Kazakhstan "On copyright and allied rights", the user is required to enter into with the copyright holder (the author or a third person) author's agreement in writing. Failure to comply with this provision of the law is a direct and substantial violation of copyright, which, as shown by the judicial practice of the Republic of Kazakhstan and other countries, may entail material and criminal liability, and the criterion-commercial or non-commercial use of the author's work - in determining copyright violations for the court is a very important condition.

The problem of copyright on the Internet, its observance and protection requires serious consideration. There is still no unambiguous and uniform position for all countries. This is not surprising, since the Internet as a global computer network is a relatively new means of communication, experiencing a stage of rapid development. It is obvious that legislation does not always and everywhere keep up with the rapid movement of new technologies – as a result, there are many problems that are still waiting for their final solution.

It is almost impossible to limit the Internet to the limits of the law: initially, no one had any thoughts about regulating activities in the independently developing network.

On the Internet today there are thousands of offenses (slander, extremist activity, etc.).

As for copyright violations in the network they are almost no different from violations outside the virtual life: plagiarism, illegal distribution of information protected by copyright and others.

The information network provides at our request the widest abundance of information from the political to the economic type.

Most of them are freely available and can be used for various purposes.

On the Internet, you can not only find and use information, but also share and distribute it, for example, to express their thoughts of personal, commercial, economic and political nature.

To accommodate research, lay-out, literature, music, paintings and other objects of intellectual property. But the copyright holder should notify the user in advance of their rights, using the copyright sign. The copyright icon also fixes the name of the copyright holder and the year of publication of the work, article, note, etc. [4, p.76].

Intellectual property infringement occurs for some reason. For example, placing other people's materials on the network and providing them with open access without the permission of the right holder.

Many people think that the placement of materials is free; therefore, there is no copyright infringement. But in fact, the author initially does not receive the profit that he expected when selling his work through a retail network or store. In case of illegal use of works and objects, related rights, the possibility of obtaining legal profit decreases, in connection with which the right holders bear serious losses. And this is because many have already downloaded his work from the Internet [5, p.67].

As a rule, the majority of copyright owners often have difficulties in explaining the legal position in court and collecting the necessary evidence.

People assign authorship to works posted on the Internet.

Online stores offer to buy illegal recordings of music and movies much cheaper or free than sellers of similar legal products. It is even easier to download a digital copy using a file-sharing network. Such networks allow their users to share any files: music recordings, movies, software, photos and many others.

People have a misconception that this intellectual property is "draw", someone wrote it all, photographed. The author exists in any case.

In recent years, "piracy" has become widespread. Electronic documents, books, articles are copied, often changed without the consent of the author, and sometimes they are given for their own creativity.

In this regard, it should be noted that the lack of information on the site about the author (s) of the work does not exempt from liability for unauthorized use of these works, as well as for plagiarism [5, p.77].

Conclusions. At the present stage, there are two types of copyright protection. These include legal and technical protection.

From the point of view of legal protection, it is possible to allocate procedure which consists in timely and correct registration of the rights to work, and also systems of law enforcement agencies. International

copyright law, however, as well as the legislation of the Republic of Kazakhstan, does not oblige authors to register the rights to their results of creative work. However, such registration will simplify and speed up the process of proving ownership of copyright in court. The world copyright Convention establishes a list of legal measures necessary to confirm the right of the author and the right holder to the work: depositing copies and special depositories, registration of the work in organizations formed for this purpose, notarization, production and publication of copies.

Technical methods of protection are very diverse and depend on the state of technological progress. One of the old ways of such protection against illegal copying is the protection against illegal copying is the notification of the society about the ownership of copyright, which consists in applying to each copy of the work information about the author and the right holder [6, p.31]. Russian legislation proposes to notify of copyright in the form of:

- Latin letter “C” in the circle;
- name (name) of the owner of exclusive copyright;
- the year of the first publication of the work.

Protection is too big word to justify itself on the Internet. If we treat the Global Network as a kind of information battlefield, then in order not to be destroyed, it is necessary to apply appropriate measures.

The most terrible thing for the creation of a site of information orientation is non-attendance, that is, the absence of visits to the site (followed by a drop in the rating, which, as a rule, ends with the closure of the site).

In conclusion, we note that the legislation on copyright protection on the Internet will continue to develop, concretizing, and extending to new objects. I would like to hope that over time, the majority of Kazakhstanis will penetrate respect for the interests of authors of works, however, this will largely depend on state policy and taking into account the views of both the professional community and ordinary users on this issue.

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