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Tahririyat manzili:
100047. Toshkent shahar,
Sayilgoh ko‘chasi, 35.
Tel.: (0371) 233-66-36 (1169)

Veb-sayt: lawreview.uz
E-mail: uzlawreview@tsul.uz

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Х. Юлдашева, Ф. Усмонова,
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Корректор:

М. Турсунов

Технический редактор:

У. Сапаев

Дизайнер:

Д. Ражапов

Адрес редакции:

100047. Город Ташкент,
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O. Choriev

Editors:
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K. Abduvalieva, E. Sharipov,
Y. Makhmudov

Proofreader:
M. Tursunov

Technical editor:
U. Sapaev

Designer:
D. Rajapov

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RELATED RIGHTS IN MULTIMEDIA JOURNALISM: A LAYERED MODEL FOR AUDIO, VIDEO AND BROADCAST REUSE

Ruzmurodova Lobarkhon Mirzobek kizi,

Independent Researcher at Tashkent State University of Law,
Lead Specialist of the Department for International Grants,

Center for Legal Initiatives and Innovations

ORCID: <https://orcid.org/0009-0005-4025-1706>

e-mail: mirzayevnalobarkhon@gmail.com

Abstract. *This article examines the cumulative layers of copyright and related rights that arise in a single item of multimedia journalism. It distinguishes unprotected news or facts, a journalist's protected text or script, a reporter's or presenter's performance, the phonogram of a podcast, an audiovisual performance, and the broadcast of a broadcasting organization as separate legal objects. The Berne and Rome Conventions, the 1971 Geneva Phonograms Convention, the WIPO Performances and Phonograms Treaty, and the Beijing Treaty on Audiovisual Performances are compared. The analysis demonstrates that the Geneva Convention does not provide comprehensive protection for digital journalistic content because it primarily addresses specified forms of unauthorized duplication of phonograms. The article introduces the Layered Related Attribution Model (LRAM), which is the original contribution of the article, to sequentially designate the protected object, the beneficiary, the act of exploitation, the required authorization, and the consequence of remuneration. The model is used in podcasts, video reports, live broadcasts and short clips sent out via the digital channels.*

Keywords: mass media, journalism, multimedia journalism, related rights, performer, producer of phonograms, broadcasting organization, audiovisual performance

MULTIMEDIA JURNALISTIKASIDA TURDOSH HUQUQLAR: AUDIO, VIDEO VA EFIR MATERIALLARIDAN QAYTA FOYDALANISHNING QATLAMLI MODEL

Ro'zmurodova Lobarxon Mirzobek qizi,

Toshkent davlat yuridik universiteti mustaqil izlanuvchisi,

Huquqiy tashabbuslar va innovatsiyalar markazi

Xalqaro grantlar bilan ishlash bo'limi yetakchi mutaxassisi

Annotatsiya. *Mazkur maqolada multimedia jurnalistik materialida bir vaqtning o'zida yuzaga keladigan mualliflik huquqi va turdosh huquqlar qatlamlari tahlil qilinadi. Oddiy yangilik yoki fakt, jurnalist yaratgan matn yoxud ssenariy, muxbir yoki boshlovchining ijrosi, podkastning fonogrammasi, audiovizual ijro va teleradio tashkilotining ko'rsatuv yoki eshittirishi alohida huquqiy obyektlar sifatida farqlanadi. Bern va Rim konvensiyalari, 1971-yilgi Jeneva fonogrammalar konvensiyasi, WIPOning*

Ijrolar va fonogrammalar bo'yicha shartnomasi hamda Pekin shartnomasi qiyosiy o'rganiladi. Jeneva konvensiyasi raqamli jurnalistik kontentni to'liq qamrab olmasligi va faqat fonogrammalarni ruxsatsiz takrorlashning ayrim shakllariga qaratilgani asoslantiriladi. Maqolaning ilmiy yangiligi sifatida obyekt, huquq egasi, foydalanish harakati, zarur rozilik va haq to'lash oqibatini ketma-ket aniqlovchi besh bosqichli qatlamli huquqlar modeli taklif etiladi. Model podcast, videoreportaj, jonli efir va platformalarda tarqatiladigan qisqa lavhalarga nisbatan qo'llanadi.

Kalit so'zlar: ommaviy axborot vositalari, jurnalistika, multimedia jurnalistikasi, turdosh huquqlar, ijrochi, fonogramma ishlab chiqaruvchisi, eshittirish tashkiloti, audiovizual ijro

СМЕЖНЫЕ ПРАВА В МУЛЬТИМЕДИЙНОЙ ЖУРНАЛИСТИКЕ: МНОГОУРОВНЕВАЯ МОДЕЛЬ ПОВТОРНОГО ИСПОЛЬЗОВАНИЯ АУДИО-, ВИДЕО- И ЭФИРНЫХ МАТЕРИАЛОВ

Рузмуродова Лобархон Мирзобек кизи,

самостоятельный соискатель

Ташкентского государственного юридического университета,
ведущий специалист отдела международных грантов

Центра правовых инициатив и инноваций

Аннотация. В статье рассматривается совокупность уровней авторских и смежных прав, возникающих в отношении одного материала мультимедийной журналистики. В качестве самостоятельных объектов права разграничиваются неохранные новости или факты, охраняемый авторским правом текст или сценарий журналиста, исполнение репортёра или ведущего, фонограмма подкаста, аудиовизуальное исполнение и передача организации вещания. Проведён сравнительный анализ Бернской и Римской конвенций, Женевской конвенции об охране интересов производителей фонограмм от незаконного воспроизводства их фонограмм 1971 года, Договора ВОИС по исполнениям и фонограммам и Пекинского договора по аудиовизуальным исполнениям. Результаты анализа показывают, что Женевская конвенция не обеспечивает комплексной охраны цифрового журналистского контента, поскольку преимущественно регулирует отдельные формы незаконного воспроизведения фонограмм. В качестве оригинального научного вклада в статье предложена многоуровневая модель атрибуции смежных прав (Layered Related Attribution Model – LRAM), позволяющая последовательно определять охраняемый объект, правообладателя, способ использования, необходимое разрешение и возникающее обязательство по выплате вознаграждения. Модель применима к подкастам, видеорепортажам, прямым трансляциям и коротким видеороликам, распространяемым через цифровые каналы.

Ключевые слова: средства массовой информации, журналистика, мультимедийная журналистика, смежные права, исполнитель, изготовитель фонограмм, организация вещания, аудиовизуальное исполнение

Introduction

In modern journalism, it is uncommon to see any single form of the law. A reporter can write a script, then read it in a studio, make a podcast, show up in a video report, and then participate in a live broadcast, with portions of the interview stepping through a platform. These are presented to the public as one news item. The law of copyright does not. The text can be a work, the spoken part a performance, an audio fixation a phonogram, a video an audiovisual performance or the transmitted programme the related right of a broadcasting organization. Conflict over reusing a material cannot be solved simply by determining who

“owns” the material. It needs to determine which of the objects is used and which of the legally protected acts has taken place.

This complex dichotomy begins with Article 2(8) of the Berne Convention, which stipulates that protection does not apply to news of the day or miscellaneous facts having the character of mere items of press information (World Intellectual Property Organization, 1979). This international standard closely aligns with national legislation, such as Article 8 of the Law of the Republic of Uzbekistan on “On Copyright and Related Rights” (2006), which explicitly excludes daily news and press releases from copyright protection while safeguarding original journalistic expression under Article 5 (Republic of Uzbekistan, 2006). This distinction means that while underlying facts remain free, the original wording, selection, structure, photograph, or script is protected. Crucially, the fixation, performance, or broadcast that communicates this information is protected as a distinct object. A platform user who extracts a news clip may therefore avoid copying a protected literary passage, yet still reproduce a protected audiovisual performance, fixation, or broadcast.

The article tackles a transnational problem: how to attribute rights to a single journalistic item with several protected layers, each regulated by different international instruments. Recent monographs and contemporary scholarly articles focus heavily on this intersection, demonstrating a growing legal tension as digital newsrooms increasingly require a dual-layered approach where copyright and related rights apply simultaneously to hybrid digital content. Existing treaties define beneficiaries separately but provide no journalism-specific sequence for clearing overlapping rights, leading to legal uncertainty. Media organizations often assume that control of the signal includes every contribution, while individual contributors assume that authorship of a script grants control over the broadcast signal. Both assumptions erroneously collapse distinct objects and rights.

To resolve this gap, this study proposes the Layered Related Attribution Model (LRAM) as an independent intellectual approach. LRAM enhances the scientific novelty of this field through three distinct theses:

Firstly, Integrated Synergy. Unlike conventional fragmented frameworks that treat audio, video, and broadcast reuses as isolated legal categories, LRAM conceptualizes them within a unified, dynamic system.

Secondly, Dynamic Adaptability. Traditional models rely on rigid, static structures; conversely, LRAM introduces variable parameters that adapt to the rapidly changing digital environment of multimedia journalism.

Thirdly, Structural Clarity. LRAM provides a structured hierarchical methodology to delineate the boundaries between overlapping copyrights and related rights, offering an analytical tool for media law.

Geneva Convention and Beijing Treaty

The research uses doctrinal, treaty-based, comparative, and functional methods. The comparative method specifically entails a cross-doctrinal analysis of international legal instruments rather than a broad empirical comparison of diverse national legal systems, thereby defining the scope of this methodological framework. Treaty provisions are read according to their protected object, beneficiary, exclusive or remuneration right, and relevant act of exploitation. The Rome Convention supplies the historical three-part architecture of performers, producers of phonograms, and broadcasting organizations. The Geneva Convention provides protection against unauthorized duplication of phonograms. The WPPT

extends protection for performers and phonogram producers into the digital environment. The Beijing Treaty supplies a modern framework for audiovisual performances.

Furthermore, the functional method integrates an Uzbek case study stage to demonstrate how these international standards operate within a specific domestic civil law framework, analyzing the applicability of Law No. LRU-42 to digital media. These instruments are then applied functionally to recurring journalistic uses: podcast copying, transcription, audio extraction from video, reposting of broadcast clips, subtitling, compilation, platform making available to the public, and rebroadcasting.

Main part

The original contribution is the Layered Related Attribution Model (LRAM). It is not based on the idea of “journalistic content” and calls for five successive determinations: (1) the protected object; (2) the beneficiary; (3) the legally relevant act; (4) whether authorization is required or a statutory remuneration right applies; and (5) attribution and contractual allocation. It is not a novel related right of the journalist. It is a conflict-prevention framework that puts into practice the existing international rights in the production of a multimedia news production.

The International Architecture of Related Rights

Rome Convention: Three Beneficiaries, Three Objects

The 1961 Rome Convention provides protection for performers in respect of their performances, producers of phonograms in respect of their phonograms, and broadcasting organizations in respect of their broadcasts (World Intellectual Property Organization, 1961a). Its architecture is essential because it prevents investment, creative contribution and signal transmission from being treated as the same legal source. A journalist may fall within the performer layer only when the activity satisfies the applicable definition of performance. Article 3(a) includes persons who act, sing, deliver, declaim, play in or otherwise perform literary or artistic works (World Intellectual Property Organization, 1961b). A presenter’s routine delivery of unprotected factual information is not automatically a protected performance merely because it is delivered before a camera. An original scripted commentary, dramatic narration, or other delivery of a protected work presents a stronger basis for protection as a performance.

The Rome framework also demonstrates why a broadcasting organization’s right cannot absorb the journalist’s authorship or performance. Article 1 preserves copyright and makes related-right protection independent from the protection of works. The broadcasting layer concerns the broadcast as such; it does not convert the broadcaster into the author of every script or the performer of every contribution. This object-specific separation is the starting point for lawful rights clearance.

Geneva Phonograms Convention: A Narrow Anti-Duplication Instrument

The Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms was adopted in Geneva on 29 October 1971. Article 2 obliges Contracting States to protect foreign phonogram producers against the making of duplicates without the producer’s consent, the importation of such duplicates for distribution to the public, and their distribution to the public (World Intellectual Property Organization, 1971a). Its beneficiary is the producer of the phonogram, not every author, speaker or broadcasting organization whose contribution can be heard in the recording.

This limitation matters for journalism. A podcast episode may be a phonogram because it is an exclusively aural fixation. The Geneva Convention can address unauthorized duplicate

copies distributed to the public, but it does not itself contain the modern right of making available to the public on demand. It also does not settle authorship in the script, the reporter’s possible performance rights, moral rights in the work, or rights in an audiovisual version. Describing the Geneva Convention as a general convention on global copyright in journalistic material would therefore be legally incorrect. Its value lies in one defined layer: protection of phonogram producers against specified acts of unauthorized duplication.

Integrating LRAM into the Uzbek National Legal Framework

To demonstrate the practical utility of the Layered Related Attribution Model (LRAM), its core layers (A – Work, B – Performance, C – Phonogram/Fixation, D – Broadcast/Signal) must be cross-referenced with domestic legislation. In the context of the Uzbek legal system, these layers directly correlate with specific provisions of the Law of the Republic of Uzbekistan “On Copyright and Related Rights” dated July 20, 2006.

The following structured matrix illustrates how LRAM translates international treaty architectures into domestic statutory norms:

Table 1

Mapping of LRAM Layers onto the Uzbek Legal Framework

LRAM Layer	Protected Object / Content Type	Uzbek Statutory Basis (Law No. ZRU-42)	Key Legal Implications & Scope
Layer A: The Work	Original script, text, commentary, or unique structure.	Article 5 (Objects of Copyright) & Article 36 (Copyright Contracts)	Protects the literary expression. Excludes mere facts (Article 8). Contractual transfer requires a written copyright agreement.
Layer B: The Performance	Reporter’s dramatic narration or scripted delivery.	Article 39 (Performers’ Rights) & Article 46 (Scope of Rights)	Grants the journalist non-property rights (identity) and property rights to authorize live streaming or recording.
Layer C: The Phonogram	Exclusively aural fixation of the podcast or audio clip.	Article 40 (Phonogram Producers) & Article 47 (Exclusive Rights)	Protects the technical/financial investment of the producer against unauthorized digital reproduction or duplication.
Layer D: The Broadcast	The transmitted cable or wireless multimedia signal.	Article 41 (Broadcasting Organizations) & Article 48 (Signal Rights)	Safeguards the broadcasting or cable organization’s right to authorize rebroadcasting, fixation, or public communication.

When implementing the final stages (Stages 4 and 5) of the LRAM workflow, practitioners must evaluate not only licensing and statutory remuneration but also the statutory exceptions and limitations provided by national law. Specifically, Article 26 (Free use of works) and Article 49 (Limitations on related rights) of the Law of the Republic of Uzbekistan “On Copyright and Related Rights” permit the reproduction of short fragments for informational, educational, or review purposes without consent or payment, provided the source and author/performer are explicitly cited.

Furthermore, to ensure effective conflict prevention, model contractual clauses derived from LRAM must strictly align with the mandatory requirements of Articles 36, 37, and 38 of the Law of the Republic of Uzbekistan “On Copyright and Related Rights”. These provisions dictate that any contractual allocation of journalistic rights must explicitly define the modes of

exploitation, geographic scope, duration, and remuneration terms, preventing the erroneous assumption that controlling the broadcast signal automatically absorbs individual creative contributions.

Beijing Treaty: Audiovisual Performance

The Beijing Treaty on Audiovisual Performances, adopted on 2012 and in force since 28 April 2020, addresses the position of performers whose performances are fixed in audiovisual fixations. It grants rights of reproduction, distribution, rental and making available in fixed performances, as well as rights concerning unfixed performances (World Intellectual Property Organization, 2012a). Article 5 also recognizes moral rights of attribution and protection against distortion, subject to the nature of audiovisual fixations (World Intellectual Property Organization, 2012a). The treaty is therefore more directly relevant to a filmed report, documentary segment or presenter performance than the Geneva Phonograms Convention. The difficult question is not whether every person appearing in a news video is a performer. Interviewees, eyewitnesses and officials who state facts do not automatically perform a literary or artistic work. The classification must examine the contribution itself. A journalist who delivers an original scripted analysis may combine authorship and performance; a person providing factual testimony may instead be protected by privacy, image, data-protection or contractual rules rather than related rights. The model must not use related rights as a universal label for every human presence in audiovisual journalism.

The Journalism-Specific Rights Stack

A multimedia news item should be decomposed into legally distinct layers before any consent inquiry begins. The same file may contain four principal layers. Layer A is the authored work: script, commentary, and photograph, graphic or original arrangement.

Layer B is the performance: delivery or interpretation of a protected work by a reporter, narrator or presenter.

Layer C is the fixation: an exclusively aural phonogram or an audiovisual fixation. Layer D is the broadcast or programme-carrying signal. Each layer can have a different beneficiary, duration, limitation, territorial connection and contractual history.

Table 2

Layered Rights Attribution Matrix for Multimedia Journalism

Layer and object	Journalistic example	Potential beneficiary	Relevant legal inquiry
A — Work	Article, script, photograph, infographic	Author or contractual holder of economic rights	Is there original expression rather than a mere fact?
B — Performance	Narrated analysis, presented report, declaimed script	Qualifying performer	Is a literary or artistic work being performed?
C — Fixation	Podcast master or audiovisual recording	Phonogram producer; performer in fixed performance; audiovisual producer under national law	Is the use reproduction, distribution, adaptation or making available?
D — Broadcast or signal	Television or radio transmission; live programme feed	Broadcasting organization	Is the act fixation, rebroadcasting or communication of the broadcast?

The matrix resolves an important conceptual error: the existence of one protected layer neither proves nor excludes another. A factual news update may fail the Berne originality threshold but still be embodied in a protected phonogram or included in a protected broadcast. An original article may be protected by copyright even where the reporter's mechanical reading is not treated as a qualifying performance. A podcast may contain public-domain music or unprotected facts while the producer retains rights in the phonogram. Clearance must therefore proceed horizontally across the layers rather than vertically from a presumed "owner of the content."

Platform Reuse and the Five-Stage Clearance Test

Stage one identifies the informational and expressive components. Facts, ideas and news of the day are separated from original wording, selection, commentary and visual composition. Stage two identifies the relevant form of embodiment or transmission: an unfixed performance, an exclusively aural phonogram, an audiovisual fixation, or a broadcast. Stage three identifies all potential beneficiaries and the legal basis of their claims. Stage four classifies the legally relevant act or acts of exploitation: reproduction, extraction, adaptation, subtitling, synchronization, communication to the public, making available, rebroadcasting or distribution. Stage five maps the required authorization, applicable exception or limitation, attribution, and remuneration to each implicated layer.

Consider a television report uploaded as a thirty-second platform clip. Copying the broadcaster's transmitted segment may implicate the broadcast layer. It is possible to come into a copyright dilemma if the presenter originally had a scripted narration that is being reproduced. Reproducing the presentation's qualifying AV performance can potentially compromise the rights of the performer. Adaptation and moral-right issues may arise when replacing the audio or adding a false subtitle or restructuring of the report. Several answers, but not necessarily several payments to the same person, can be required for a single platform upload. It is important to check contractual allocation and relevant statutory presumptions after the objects have been identified, not before.

The same sequence will generate a different output for a podcast. The audio master is a phonogram; the one that takes initiative and responsibility for the initial fixation can be its producer. The journalist might be a copyright owner of an original script and could also be a performer. The Geneva layer is triggered when a third party makes a copy of the master. The analysis of the WPPT takes place upon the request of an on-demand upload. A transcription can reproduce a literary work but not the phonogram. An audio extraction from a video could give rise to a question related to the phonogram after the legal status of this extracted fixation is determined by the relevant law.

Contractual Consequences

The agreement for multimedia journalism ought not to be a simple statement of "all related rights vested with the media organization." It should specify the role that each individual plays and the object to which the allocation relates. The agreement should at least cover authorship of the script, the status of the presenter/narrator, who owns the phonogram/audiovisual producer, who has authority over the broadcast, how the platforms can be used, editing and subtitling, third-party supply, term and territory, attribution, reporting and remuneration. Moral rights shall not be described as transferable when the law applicable to the transferability of moral rights classifies them as inalienable.

The following is proposed as a model clause:

“The reproduction, adaptation or availability of a performance or audiovisual fixation, or the broadcast of the same, shall be identified and attributed separately from the rights of the journalistic text or script and shall be remunerated separately. Control of a fixation shall not imply authorship of the work embodied in the same, nor shall the rights to publish or broadcast a journalistic work imply rights to reproduce, adapt or make available a performance or fixation of the work, or rights to publish or broadcast the same. Every other method of use, including platform clipping, podcast distribution, subtitling, synchronization and third party supply, shall be listed together with attribution and remuneration”. No fragmentation is required for the sake of this clause. It is meant to let a single trade go through a number of layers without any fog. It is still possible to reach a consolidated agreement, but it will have to specify what rights and objects it merges. If a contributor is both the author and performer, they should be indicated on the agreement. If the media organization is employer, phonogram producer and broadcaster, it is necessary to differentiate these roles and make them distinct both in terms of their position and in terms of the rights that apply.

The model is used to explain the role of the major conventions. Berne distinguishes between protected and non-protected journalistic expression, and news and facts. The classic categories of performers (artists, songwriters, producers) and phonogram producers and broadcasters are covered by Rome. Geneva provides protection to phonogram producers against certain acts of duplication. WPPT makes performance and phonogram rights available digitally. Audiovisual performances in Beijing. None of these tools can resolve all the conflicts in multimedia journalism. Their rules only make sense if the object and act are known first, followed by the issue of ownership and consent.

The model also prevents overprotection, as many cases have been studied in this case. This is to say that related rights should not be used for the purposes of privatizing facts or for a broadcaster to control the informational content of an event. The protection of a signal, fixation or performance aims at the protected object, and not the news itself. A competing journalist remains free to report the same facts independently. The distinction is particularly important for public-interest reporting, quotation, media monitoring and verification. Rights clearance must coexist with limitations and exceptions, freedom of expression and the public's access to information. A limitation of the model is that national definitions, presumptions of transfer and limitations differ. The status of a presenter, the initial ownership of an audiovisual fixation and the scope of broadcasting rights cannot be answered uniformly in every jurisdiction. LRAM is therefore a classification model rather than a rule of automatic liability. Its value lies in producing the questions that a court, platform or contracting party must answer in the correct order.

Conclusion

Multimedia journalism demonstrates that a news item should not be treated as a single legal object with a single right holder. It is established that a script, performance, phonogram, audiovisual recording, and broadcast signal may all coexist within the same journalistic product, each representing distinct creative contributions and economic investments. In this context, the Geneva Phonograms Convention serves a limited but crucial role: it addresses specific acts, including the making of duplicates, the importation of such duplicates for distribution to the public, and their distribution to the public, while leaving other layers intact—such as copyright, performers' rights, broadcasting rights, and the modern digital making-available right.

The proposed Five-Stage Layered Related Attribution Model (LRAM) provides a structured method for analyzing and resolving questions arising from these overlapping rights. The model offers a coherent methodological framework for evaluating complex multimedia works by separating facts from protected expression, establishing the relevant fixation or broadcast signal, identifying the precise right holders, determining the specific mode of exploitation, and mapping the statutory requirements of authorization, attribution, and remuneration.

When implemented, LRAM effectively prevents the overextension of organizational signal rights while safeguarding individual contributors against under-protection across various formats, including podcasts, video reports, live broadcasts, and platform-distributed clips. The primary practical benefit of this framework lies in the C-Clause itself—designed as an object-specific contractual tool—and the model C-Leg provision, which can be adapted across several national jurisdictions, including the legal framework of Uzbekistan, while maintaining the foundational rule that copyright should not restrict the free flow of news itself.

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