

## SUN'YI INTELLEKTNING MUALLIFLIK HUQUQINI BELGILASH ZARURIYATI

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### ANNOTATSIYA

Ma'lumki, sun'iy intellekt texnologiyasi bugungi texnika olamida keng miqyosda foydalanilmoqda. Mazkur texnologiyalar inson aralashuvisiz aqlbovar qilmas ixtirolar qilishmada. Bu intellektual mulk huquqlariga oid murakkab savollarni keltirib chiqarmoqda, chunki u nafaqat patent huquqi va mualliflik huquqlarining an'anaviy tushunchalarini qayta ko`rib chiqishga undamoda. Quyida sun'iy intellektni rivojlanishi va foydalanish natijasida intellectual mulk huquqidagi ta'siri, o`mi va huquqiy ahamiyati haqida so`z yuritiladi. Bundan tashqari, mazkur soha yuzaga kelishi mumkin bo`lgan muammolarga, xususan sun'iy intellektning javobgarlik masalalari bo`yicha yechimlar taklif etiladi.

**Tayanch iboralar:** Intellektual mulk huquqi, sun'iy intellekt, muallif huquqi va turdosh huquqlar, ixtiro, foydali model va sanoat namunalari, tovar belgilari.

### PROBLEMS IN DETERMINING COPYRIGHT OF ARTIFICIAL INTELLIGENCE

#### ABSTRACT

It is known that artificial intelligence technology is widely used in today's world of technology. These technologies make marvelous inventions without human intervention. This raises complex questions concerning intellectual property rights, as it is not only motivated to revise traditional concepts of patent law and copyrights. The following is an overview of the impact, role and legal significance in intellectual property law will be resulted the development and use of artificial intelligence. In addition, solutions are offered to the problems that this area may arise, in particular on the issues of responsibility of artificial intelligence.

Sun'iy intellekt-bu muhandislik va ilm-fanning kombinatsiyasi bo'lib, ularda muammolarni hal qila oladigan va hatto odamlar kabi harakat qiladigan yoki ular



kabi aql-idrokka ega bo`loladigan texnologiyadir. Sun'iy intellektning afzalliklari xilma-xil bo'lib, hayotning ko'p jabhalarida, hatto intellektual mulk olamida ham inqilob qilish imkoniyatiga yoki qobiliyatiga ega. Ammo sun'iy intellekt texnologiyasining paydo bo'lishi intellektual mulk sohasida yaqin kelajakda hal qilinishi mumkin bo'lgan bir nechta muammolarni ham keltirib chiqaradi. Xususan, mazkur texnologiya har qanday obyektни osongina ishlab chiqarishi mumkin va yangi brend nomini chiqarishga ham qodir. Endi savol tug'iladi, sun'iy intellekt intellektual mulk maqomiga loyiqmi?

Sun'iy intellekt odamlar va hayvonlardan farqli ravishda jonsiz texnologiya yordamida yaratilgan aqlga ega bo`ladi<sup>1</sup>. Sun'iy intellekt (keyingi o`rinlarda SI deb yuritiladi) atamasi birinchi marta 1956-yilda Jon Makkarti tomonidan fanga kiritilgan bo`lib, uni "aqli mashinalar ishlab chiqarish ilmi va muhandisligi" deb ta'riflagan. Bu ta'rif yillar davomida o`zgarib kelinfi va zamonaviy terminologiyada "aqli agentning o`rganishi va dizayni" deb nomlana boshlandi<sup>2</sup>.

Aslida SI tushnchasiga 1950-yillardan Alan Turing tomonidan katta hissa qo`shilgan. U 1935-yilda shaxmat o'yinidan namuna sifatida foydalanib, mashinalarni inson tajribasidan o'rganishga va muammolarni hal qilishga o'rgatish mumkinligini taklif qiladi<sup>3</sup>. SI boshqa barcha sohalardagi ilm-fan nazariyasi va vositalardan foydalanadi. Bundan tashqari, SI robotlar, monitoring tizimi, ma'lumotlar bazasi, nutq qobiliyati va boshqalar kabi xususiyatga ega. Shu jihatdan u insonga o`xshash vazifalarni bajaroladi.

SIning ortib borayotgan ixtirochilik kuchi mashinani o'rganish konsepsiyasi (The concept of Machine Learning)ga bog'liq. Shuni ta'kidlash kerakki, mashinani o'rganish konsepsiyasi ma'lumotlarni kiritishdan to kelajakda qaror qabul qilish imkonini beruvchi algoritmlarni o`rganadi. Masalan, SI musiqa, san'at va adabiy asarlarning mualliflik huquqi sohasiga tatbiq etilganda, kompyuter dasturchilari tomonidan kiritilgan ma'lumotlarni qayta ishlaydi, SI tizimi yangi asar(lar)ni yaratish uchun mustaqil qarorlar qabul qiladi va ish jarayonida. ular ishning qanday tartibda borishini mustaqil ravishda aniqlaydilar.

<sup>1</sup> What is AI? Basic Questions, available at <http://jmc.stanford.edu/artificial-intelligence/what-is-ai/index.html> .

<sup>2</sup> Ibid. An Intelligent agent means a system that can perceive its environment and take actions which maximizes its chances of success

<sup>3</sup> Alan Turing and The Beginning of AI, available at <https://www.britannica.com/technology/artificialintelligence/Alan-Turing-and-the-beginning-of-AI>



Andres Guadamuzning ta'kidlashicha, ushbu turdagi sun'iy intellekt uchun muhim xususiyat shundaki, dasturchilar asosiy parametrlarni o'rnatishi mumkin bo'lsa-da, ish aslida kompyuter dasturining o'zi tomonidan odamlarning fikrlash jarayonlariga o'xshash tarzda ishlab chiqariladi<sup>4</sup>.

O.Oqyo'lovning ta'kidlashicha, intellectual mulk huquqi o'z tarkibiga mualliflik huquqi institutini (turdosh huquqlar subinstitutini bilan), patent huquqi insituti yoxud sanoat mulki instituti (tovarlar, ishlar va xizmatlarning xususiy alomatlarini aks ettiruvchi vositalari sub institute bilan) va nihoyat oshkor etilmagan axborotlarni huquqiy muhofaza qilish subinsituti, noan'anaviy obyektlar subinstitutini o'z ichiga oladi. Ushbu tizim nihoyatda bahsli bo'lishi mumkin, chunki ularni instituti yoki subinstitut xususiyatlari kelgusida batafsil ishlashni taqozo etishi tabiiy<sup>5</sup>.

Mualliflik huquqi va patent huquqi sun'iy intellekt inqilobidan keyin katta bo'shliqqa duch keldi, desak mubolag'a bo'lmaydi. Mualliflik huquqi sohasida SI ko'plab asarlarni yaratish uchun ishlatilgan va bu asta-sekin SIni tan olish va hatto moliyalashtirishga olib kela boshladi. Masalan, 2017-yilda Google mahalliy yangiliklarni yozish uchun SI dasturini moliyalashtirishni boshladi; va ko'p o'tmay, Birlashgan Qirollik va Irlandiyadagi multimedia axborot agentligi Press Association (PA) bilan yangiliklar xizmatini boshqarish uchun 706,000 funtsterling grantini qo'lga kiritgani haqida xabar berilgan edi<sup>6</sup>.

2016 yilda SI dasturi deyarli milliy mukofotga sazovor bo'lgan roman yozadi. "Kompyuter Roman yozgan kun" nomli roman Yaponiyada bo'lib o'tgan 3-Nikkei Xoshi Shinichi adabiy mukofotlari marosimida ikkinchi o'rinni egalladi<sup>7</sup>. Xuddi shu yili Gollandiyadagi tadqiqotchilar kompyuter tomonidan yaratilgan "keyingi Rembrandt" nomli yangi san'at asarini taqdim etgani haqida xabar berilgan edi<sup>8</sup>. Ushbu san'at asari SI tizimi tomonidan taniqli golland rassomi Rembrandtning rasmlarini skanerlab, yuzni aniqlash algoritmidan foydalangan holda yaratilgan.

<sup>4</sup> 8 Andres Guadamus, Artificial Intelligence and Copyright, available at [https://www.wipo.int/wipo\\_magazine/en/2017/05/article\\_0003.html](https://www.wipo.int/wipo_magazine/en/2017/05/article_0003.html)

<sup>5</sup> O.Oqyo'lov. Fuqarolik-huquqiy institutsional tuzilmalar evolyutsiyasi (tadrijiy rivoji) muammolari/ "Fuqarolik qonunchilig: muammo va yechimlar" mavzusidagi xalqaro ilmiy konferensiya materiallari. – T.: TDYI nash.2004.-96-b.

<sup>6</sup> Julia Gregory, Press Association Wins Google Grant to Run News Service Written by Computers (6 July. 2017) available at <<https://www.theguardian.com/technology/2017/jul/06/press-association-wins-google-grant-to-run>

<sup>7</sup> Chloe Olewitz, A Japanese A.I Program Just Wrote a Novel, and it Almost Won a Literary Prize, (23rd March, 2016) available at <<https://www.digitaltrends.com/cool-tech/japanese-ai-writes-novel-passes-first-round-nationalliterary-prize/>

<sup>8</sup> Andres Guadamus, Artificial Intelligence and Copyright, available at [https://www.wipo.int/wipo\\_magazine/en/2017/05/article\\_0003.html](https://www.wipo.int/wipo_magazine/en/2017/05/article_0003.html)





Ushbu va boshqa holatlardagi asosiy muammo shuki, SI va uning ixtirochisi o'rtasida, u SI ixtirosi (asari) ustidan egalik (ixtirochilik (patent)) huquqlariga kim egalik qilishi kerak - boshqacha qilib aytganda, SIga intellectual mulk huquqi bo'yicha bo'yicha mualliflik huquqi berilishi mumkinmi? Ko'pgina, hatto hammasi bo'lmasa ham, bu sohaga oid qonunlardan kelib chiqadigan an'anaviy pozitsiya shundan iboratki, mualliflik va ixtirochilik faqat shaxslarga tegishli bo'lishi mumkin<sup>9</sup>.

Soha mutaxassislaridan, xususan Kazlen Valch hatto eng murakkab va kuchli SI ham tirik mavjudot emas, balki oddiy texnika bo'lib qoladi yoki boshqa qilib aytganda ixtirochilarning qo'lidagi asbob ekanligini hisobga olsak, intellectual mulk huquqlari faqat jismoniy va yuridik shaxslarga berilishi mumkin, deb ta'kidlaydi<sup>10</sup>.

Shuningdek, Maria Diazning fikricha, sun'iy intellekt inson ishtirokisiz mustaqil ravishda asar yaratish qobiliyatiga ega emasligi sababli<sup>11</sup>, sun'iy intellektning orqasida aynan inson ijodkorlik huquqiga ega bo'lishi lozimdir.

Gabrielening so'zlariga ko'ra, agar SIga intellectual mulk huquqlarini berish yuzasidan ko'rib chiqish kerak bo'lsa ham, hozir vaqti emas, chunki AI uni ko'rib chiqish kerak bo'lgan rivojlanish darajasiga chiqmagan<sup>12</sup>.

Xulosa qilib aytganda, SI ixtiroolari yoki asarlari odamlar tomonidan boshlanganligi sababli, ixtiro va asardagi patent yoki mualliflik huquqi odatda insonga tegishli bo'lishi kerak, chunki SI insonning aralashuvisiz bunday natijaga erisha olmas edi. Biroq, xorijiy mamlakatlar tajribasi, jumladan Buyuk Britaniya va Australiya kabi davlatlar amalyotidan kelib chiqib aytish mumkinki, SIga hech bo'lmaganda yuridik shaxs kabi maqom berilishi tarafdoriman.

Ba'zi xorijlik olimlar, sun'iy intellektga nisbatan hayvonlarga oid qoidalarni qo'llash takliflarini ilgari suradilar<sup>13</sup>. Milliy qonunchiligimizda, xususan Fuqarolik kodeksining 93-moddasida qonunchilikda boshqacha tartib belgilangan bo'lmasa, mol-mulk to'g'risidagi umumiy qoidalar hayvonlarga nisbatan ham qo'llaniladi, deb

<sup>9</sup> Qonunchilik ma'lumotlari milliy bazasi, 21.04.2021-y., 03/21/683/0375-son, 21.08.2021-y., 03/21/709/0808-son  
<https://lex.uz/ru/docs/-1022944>

<sup>10</sup> Kathleen Walch, "Artificial Intelligence Is Not a Technology", (2018) retrieved from  
<https://www.forbes.com/sites/cognitiveworld/2018/11/01/artificial-intelligence-is-not-technology/#7b4dc6645dcb>

<sup>11</sup> Maria Diaz "Artificial Intelligence and Copyright" retrieved from  
<https://www.lexology.com/library/detail.aspx?g=ab3340fa-57e5-4145-afe9-110b088c9e36>

<sup>12</sup> Gabriele (2021), Patent Systems and Artificial Intelligence: Towards a New Concept of Inventorship? Zenodo,  
<https://doi.org/10.5281/zenodo.5720649>

<sup>13</sup> Бозоров С. Sun'iy intellekt javobgarligining axloqiy va huquqiy taomillari //Общество и инновации. – 2022. – Т. 3. – №. 3. – С. 48-56.



belgilangan. Shuningdek, mazkur kodeksning 1002-moddasiga asosan uy hayvoni tomonidan yetkazilgan zarar uchun uning egasi yoki hayvonning egaligi va foydalanishida umumiy asosda javobgar bo'lgan shaxs mas'ul hisoblanadi deb ko'rsatilgan.

Boshqa guruh olimlarining talqiniga ko'ra, sun'iy intellekt faoliyatiga yuridik shaxslar faoliyatini tartibga soluvchi qoidalarga o'xshash qoidalarni qo'llash nisbatan samaraliroq bo'ladi<sup>14</sup>. Bu mantiqan to'g'ri, chunki yuridik shaxs sun'iy ravishda yaratilgan qonun subyekt<sup>15</sup>, robotlar ham shunday maqomga ega bo'lgan shaxslar sifatida tan olinishi mumkin.

Shunday qilib, SIning intellectual mulk huquqidagi huquqiy maqomini qonunchilik bilan mustahkamlash qancha erta amalga oshirilsa, shuncha yaxshi bo'ladi.

### Foydalanilgan adabiyotlar ro'yxati

1. What is AI? Basic Questions, available at <http://jmc.stanford.edu/artificial-intelligence/what-is-ai/index.html> .
2. Ibid. An Intelligent agent means a system that can perceive its environment and take actions which maximizes its chances of success
3. Alan Turing and The Beginning of AI, available at <https://www.britannica.com/technology/artificialintelligence/Alan-Turing-and-the-beginning-of-AI>
4. Andres Guadamus, Artificial Intelligence and Copyright, available at [https://www.wipo.int/wipo\\_magazine/en/2017/05/article\\_0003.html](https://www.wipo.int/wipo_magazine/en/2017/05/article_0003.html)
5. O.Oqyo'lov. Fuqarolik-huquqiy institutsional tuzilmalar evolyutsiyasi (tadrijiy rivoji) muammolari/ "Fuqarolik qonunchilig: muammo va yechimlar" mavzusidagi xalqaro ilmiy koferensiya materiallari. – T.: TDYI nash.2004.-96-b.
6. Julia Gregory, Press Association Wins Google Grant to Run News Service Written by Computers (6 July. 2017) available at <https://www.theguardian.com/technology/2017/jul/06/press-association-ins-google-grant-to-run>

<sup>14</sup> Arkhipov, V., Naumov, V. – P. 164.

<sup>15</sup> Winkler A. We the Corporations: How American Businesses Won Their Civil Rights. Liverlight, 2018. See a description here: [Ошибка! Недопустимый объект гиперссылки.](#)



7. Chloe Olewitz, A Japanese A.I Program Just Wrote a Novel, and it Almost Won a Literary Prize, (23rd March, 2016) available at <https://www.digitaltrends.com/cool-tech/japanese-ai-writes-novel-passes-first-round-national-literary-prize/>
8. Andres Guadamus, Artificial Intelligence and Copyright, available at [https://www.wipo.int/wipo\\_magazine/en/2017/05/article\\_0003.html](https://www.wipo.int/wipo_magazine/en/2017/05/article_0003.html)
9. Qonunchilik ma'lumotlari milliy bazasi, 21.04.2021-y., 03/21/683/0375-son, 21.08.2021-y., 03/21/709/0808-son <https://lex.uz/ru/docs/-1022944>
10. Kathleen Walch, "Artificial Intelligence Is Not a Technology", (2018) retrieved from <https://www.forbes.com/sites/cognitiveworld/2018/11/01/artificial>
11. Maria Diaz "Artificial Intelligence and Copyright" retrieved from <https://www.lexology.com/library/detail.aspx?g=ab3340fa-57e5-4145-afe9-110b088c9e36>
12. Gabriele (2021), Patent Systems and Artificial Intelligence: Towards a New Concept of Inventorship? Zenodo, <https://doi.org/10.5281/zenodo.5720649>
13. Бозоров С. Sun'iy intellekt javobgarligining axloqiy va huquqiy taomillari //Общество и инновации. – 2022. – Т. 3. – №. 3. – С. 48-56.
14. Arkhipov, V., Naumov, V. – P. 164.
15. Winkler A. We the Corporations: How American Businesses Won Their Civil Rights. Liverlight, 2018. See a description here: [Ошибка! Недопустимый объект гиперссылки.](#)