

Date: 7th August-2026

COPYRIGHT ISSUES, LEGAL REGIME, AND CRIMINAL LIABILITY
CONCERNING ANTHOLOGIES SELECTED AND COMPILED BY ARTIFICIAL
INTELLIGENCE

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Annotatsiya: Ushbu ilmiy maqolada sun'iy intellekt (AI) algoritmlari va generativ tizimlari tomonidan materiallarni saralash, tizimlashtirish hamda jamlash orqali tuzilgan antologiyalar (jamlama asarlar)ga nisbatan mualliflik huquqining paydo bo'lishi, ularning fuqarolik-huquqiy rejimi, subyektlik muammolari hamda intellektual mulk sohasidagi jinoiy javobgarlik masalalari chuqur ilmiy-nazariy va qiyosiy-huquqiy nuqtai nazardan tahlil etiladi. Tadqiqotda AI algoritmik tanlovi asosida shakllantirilgan to'plamlarda "tuzuvchilik mehnatining ijodiylik mezonlari" (originality and creative selection criteria), inson omilining ishtirok darajasi (human authorship requirement), algoritmik kontentning fuqarolik muomalasidagi o'rni hamda bunday asarlarni noqonuniy ozlashtirish yoki tarqatishda jinoiy javobgarlik subyektini aniqlash mexanizmlari yoritilgan. O'zbekiston Respublikasining Fuqarolik va Jinoyat kodekslari, "Mualliflik huquqi va turdosh huquqlar to'g'risida"gi Qonuni, shuningdek AQSh (Feist Publications doktrinas), Yevropa Ittifoqi (EI AI Act) va xalqaro sud amaliyotlari bazasida taklif hamda tavsiyalar ishlab chiqilgan.

Kalit so'zlar: sun'iy intellekt, raqamli antologiya, jamlama asar, tuzuvchilik huquqi, ijodiylik mezon, mualliflik subyektligi, algoritmik tanlov, intellektual mulk, jinoiy javobgarlik, kontrafakt.

Özet: Bu bilimsel makalede, yapay zeka (AI) algoritmaları ve üretken sistemler tarafından materyallerin seçilmesi, sistemleştirilmesi ve derlenmesiyle oluşturulan antolojiler (derleme eserler) üzerindeki telif haklarının doğuşu, hukuki rejimi, süsubjectiflik sorunları ve fikri mülkiyet alanındaki cezai sorumluluk konuları teorik ve mukayeseli hukuk açısından derinlemesine incelenmektedir. Çalışmada, AI algoritmik seçimine dayalı derlemelerde "derleyicinin yaratıcılık kriterleri" (originality criteria), insan unsurunun katılım derecesi, algoritmik içeriğin hukuki statüsü ve bu tür eserlerin usulsüz kullanımı durumunda cezai sorumluluk süjesinin belirlenmesi mekanizmaları ele alınmaktadır. Özbekistan Cumhuriyeti Medeni ve Ceza Kanunları, ilgili mevzuat ile ABD ve Avrupa Birliği emsal kararları ışığında somut öneriler sunulmuştur.

Anahtar Kelimeler: yapay zeka, dijital antoloji, derleme eser, derleyici hakkı, özgünlük kriteri, telif süsubjectifliği, algoritmik seçim, fikri mülkiyet, cezai sorumluluk.

Abstract: This scientific article provides a comprehensive legal and theoretical analysis of the emergence of copyright, the civil legal status, issues of legal personhood, and criminal liability concerning anthologies compiled through selection and arrangement by Artificial Intelligence (AI) algorithms. The research critically examines the "creativity and originality criteria of compilative labor" in collections generated via algorithmic selection, the mandatory human authorship requirement, and the mechanisms for identifying the



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subjects of criminal liability in cases of illegal appropriation or infringement of AI-assisted derived works. Based on the Civil Code and Criminal Code of Uzbekistan, national copyright laws, US judicial precedents (Feist Publications doctrine), and European Union legal frameworks (EU AI Act), the paper formulates conceptual recommendations for legislative enhancement.

Keywords: artificial intelligence, digital anthology, derivative work, compiler's right, originality threshold, human authorship, algorithmic selection, intellectual property, criminal liability.

The rapid, unprecedented development of digital technologies, neural networks, machine learning algorithms, and generative artificial intelligence systems necessitates a fundamental conceptual re-examination of traditional civil law doctrines and intellectual property frameworks. In contemporary twenty-first-century information societies, the processing of massive datasets, along with the automated sorting, categorization, and aggregation of texts, scientific articles, literary works, musical compositions, images, and archival documents according to specific logical, thematic, chronological, or stylistic parameters, is increasingly being delegated to autonomous algorithmic architectures. From a civil law perspective, an anthology possesses a unique legal status as a compiled or composite work, resulting from creative labor in selecting and arranging preexisting materials. Historically, its legal protection has been intrinsically anchored to the intellectual and creative will of a human compiler. However, as modern digital practices systematically shift the tasks of content selection, filtering, and structural organization from human cognitive faculties to autonomous artificial intelligence models, critical legal paradoxes emerge regarding the creativity criteria of compilative labor, the legal nature of algorithmic choice, and the fundamental statutory requirement of human authorship.

Under the classic, globally recognized principles of copyright jurisprudence, any creative output, including derivative and composite works, enjoys statutory protection exclusively if it represents the direct manifestation of an individual's personal, creative, and intellectual labor. Pursuant to Article 1041 of the Civil Code of the Republic of Uzbekistan and Article 8 of the national Law "On Copyright and Related Rights," collections and composite works that constitute the result of creative labor by virtue of the selection or arrangement of materials are recognized as eligible objects of copyright protection. This statutory formulation establishes that the threshold for copyright protection of a composite work lies not in the underlying copyrights of the incorporated individual pieces, but specifically in the degree of originality and creativity demonstrated by the compiler during the selection and systematic structuring of those materials. Within traditional legal doctrine, a compiler's creative input is reflected in their qualitative judgment regarding which works to include, the sequence and structural synergy established between distinct components, and the execution of personal, subjective artistic choices.

Conversely, in anthologies compiled via the algorithmic selection mechanisms of artificial intelligence, this creative process transpires entirely detached from human



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cognitive, emotional, and psychological intervention. Instead, it is governed purely by mathematical models, probability theory, statistical data processing, and neural network routines. The user merely supplies a generalized textual prompt to the artificial intelligence system, whereupon the entire sequence of data ingestion, comparative analysis, contextual evaluation, and final structural assembly is performed autonomously by the algorithmic software. This dynamic raises profound theoretical questions within civil law regarding the creativity criteria of compilative labor. Where the selection process is executed entirely by algorithmic code based on statistical word frequencies or pattern recognition, and the human user functions merely as a passive recipient of the generated output, it must be legally concluded that human creative effort is completely absent from the resulting compilation.

This principle aligns squarely with foundational judicial precedents in international intellectual property law, most notably the landmark United States Supreme Court decision in *Feist Publications, Inc. v. Rural Telephone Service Co.* (1991). The Supreme Court established that the raw, mechanical, alphabetical, or purely standardized gathering and arrangement of data, regardless of the substantial physical effort, financial investment, or labor expended under the sweat of the brow doctrine, fails to meet the constitutional requirement of a minimum spark of creativity necessary to trigger copyright protection. Applied directly to generative artificial intelligence models and neural networks, this doctrine dictates that regardless of the speed or vast volume of data an algorithm processes to construct an anthology, such automated sorting constitutes mechanical and algorithmic processing rather than an act of creative human selection. Furthermore, the European Union's legal tradition regarding database protection under Directive 96/9/EC draws a strict legal boundary between structural creative arrangement eligible for copyright and raw, non-original database compilations protected merely by *sui generis* rights.

Within this legal framework, the problem of legal personhood and authorship subjectivity assumes paramount importance. Under the civil legislation of the Republic of Uzbekistan and international intellectual property treaties, including the Berne Convention for the Protection of Literary and Artistic Works, only a natural person can be recognized as the primary subject and bearer of copyright. Artificial intelligence systems lack legal capacity, autonomous legal intent, self-awareness, and the ability to independently acquire rights or assume legal obligations. Consequently, conferring legal authorship directly upon an artificial intelligence software for an autonomously created or compiled anthology is fundamentally incompatible with modern civil law principles and the doctrine of legal personality. The legal subjectivity of copyright is historically tied to the philosophical concept of individual human expression, as articulated by classical legal theorists from John Locke's labor theory to Immanuel Kant's personality principle, both of which necessitate a human moral and psychological connection between the author and the work.

Accordingly, contemporary legal scholars and policy analysts advance three distinct theoretical approaches regarding the civil law regime applicable to artificial intelligence compiled anthologies. The first approach posits that anthologies generated entirely by artificial intelligence without meaningful human creative intervention are incapable of

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obtaining copyright protection and must immediately enter the public domain upon creation. The second approach advocates granting authorship status to the individual who crafted the prompt, directed the creative parameters, and refined the output, provided that the human user's creative contribution was decisive and demonstrably reshaped the final structure. The third approach, reflected in the legislation of the United Kingdom and certain common law jurisdictions under Section 9(3) of the Copyright, Designs and Patents Act 1988, relies on the concept of computer-generated works. Rather than recognizing traditional copyright, this model assigns a specialized sui generis economic right to the natural or legal person who arranged and invested in the operation of the artificial intelligence program.

The regulatory stance of international registration authorities further reinforces this distinction. Guidance issued by the United States Copyright Office in March 2023, along with the judicial decision in *Thaler v. Perlmutter* (2023), affirms that works generated by artificial intelligence without human creative control cannot be registered for copyright. Similarly, the intellectual property framework of the Republic of Uzbekistan strictly observes the human authorship principle. Therefore, when an anthology is produced through automated algorithmic aggregation lacking demonstrable human selection, concept, or creative arrangement, no copyright attaches to the resulting compilation, rendering it an unencumbered asset within civil commerce. This absence of formal copyright does not mean such digital compilations are devoid of economic value; rather, it categorizes them as unprotected digital aggregation products governed by unfair competition statutes, contractual licensing agreements, and trade secret protections rather than exclusive intellectual property ownership.

Moving beyond civil legal status, the most complex and sensitive dimension of artificial intelligence generated anthologies involves copyright infringements arising from algorithmic selection, identifying the subjects of criminal liability, and determining their proper legal classification. Article 149 of the Criminal Code of the Republic of Uzbekistan establishes criminal sanctions for the violation of copyright or related rights. The statutory text penalizes the illegal appropriation of copyright or related rights objects, forcing authorship, and the unauthorized reproduction, distribution, publication, or commercial exploitation of protected works, provided such acts cause significant damage or are committed for personal gain. When examining artificial intelligence assisted anthologies, the application of Article 149 requires an expanded analytical paradigm because modern generative architectures do not create content in a vacuum, but depend on training datasets comprising vast reservoirs of protected scientific, literary, and artistic material. The criminalization of intellectual property violations in Uzbekistan serves a constitutional function, safeguarding both the material interests of creators and the integrity of scientific and cultural commerce against systematic digital piracy and automated plagiarism.

In the context of artificial intelligence driven anthology creation, criminogenic acts materialize through several distinct operational mechanisms. During the model training phase involving data scraping and ingestion, millions of copyrighted works are ingested into the system's memory architecture without rights-holder authorization or licensing.

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Furthermore, during the prompt execution phase, the artificial intelligence system extracts, synthesizes, and aggregates protected textual or artistic fragments into a consolidated anthology structure. If a user subsequently publishes this compilation under their own name or monetizes it without licensing the underlying works, a dual criminal infringement occurs, comprising the misappropriation of authorship through plagiarism and the illegal commercial distribution of copyrighted material. In addition, artificial intelligence algorithms frequently alter, summarize, or paraphrase protected texts while omitting original author names, directly violating moral rights of attribution protected under national and international law, which constitutes forcing authorship or illegal appropriation under the statutory wording of Article 149 of the Criminal Code.

A cornerstone of criminal law doctrine in the Republic of Uzbekistan is the principle of individual culpability based strictly on fault, encapsulated in Article 17 of the Criminal Code, which establishes that only sane natural persons who have reached the statutory age of criminal responsibility can be held liable. Because artificial intelligence lacks natural consciousness, self-awareness, moral agency, and the capacity for subjective intent or mens rea, an artificial intelligence algorithm cannot be designated as an offender, perpetrator, or co-conspirator in a criminal case. Therefore, resolving the problem of criminal liability requires a rigorous legal classification of all human and corporate actors involved in the development, deployment, and operation of the artificial intelligence architecture.

When evaluating the primary user and publisher as a direct perpetrator, culpability is established if an individual crafts specific, deliberate prompts instructing the artificial intelligence system to extract, compile, and structure copyrighted material from identifiable protected sources, and thereafter publishes, sells, or commercially distributes the compiled anthology. In this scenario, the user acts as a direct perpetrator under Article 149 of the Criminal Code because they utilized the artificial intelligence system as a sophisticated technical tool to execute the material element of the crime with direct intent. The legal doctrine of indirect perpetration (mediates Täterschaft) is applicable here, wherein the human offender uses an un-conscious or non-liable instrument, in this case an autonomous software application, to commit the criminal act. Conversely, regarding software developers and engineers, if they deliberately design algorithms, fine-tuning mechanisms, or web scraping subroutines specifically engineered to bypass paywalls, ignore digital rights management protections, or target pirated repositories for compilation purposes, their actions constitute criminal complicity or facilitation of intellectual property theft under general principles of criminal participation.

A similar logic applies to data providers and database curators who knowingly assemble, organize, and sell illicit, pirated training datasets to artificial intelligence firms, fully aware that such datasets will be used to generate commercial compilations and anthologies. These actors share criminal liability as suppliers of the instrumentalities of crime. On the other hand, in cases involving good-faith users, where an individual submits a broad, lawful query to an artificial intelligence system in good faith, and the algorithm autonomously incorporates copyrighted passages or compiled structures without the user's

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knowledge or expectation, criminal liability for the user is strictly excluded. Under Uzbekistan criminal jurisprudence, criminal responsibility requires direct intent or gross criminal negligence. In the absence of mens rea, the user cannot be prosecuted under Article 149 of the Criminal Code, although civil law obligations to cease distribution and compensate rights-holders for financial damages remain fully enforceable through civil litigation.

Comparative international legal practice demonstrates an evolving consensus toward imposing strict regulatory and evidentiary standards on artificial intelligence deployment. Under the European Union's landmark Artificial Intelligence Act of 2024, providers of general-purpose artificial intelligence models are legally obligated to maintain and publicly disclose detailed summaries of copyrighted materials used in model training under data sourcing transparency rules. This legislative precedent, combined with high-profile litigation in the United States such as *New York Times Co. v. OpenAI* and *Getty Images v. Stability AI*, establishes that the unauthorized aggregation and structural compilation of protected content by artificial intelligence systems constitutes actionable copyright infringement unless explicitly covered by statutory fair use or licensed agreements. International legal harmonizations under the World Intellectual Property Organization treaties increasingly emphasize that technological neutrality cannot be weaponized to shield unauthorized commercial exploitation of human intellectual achievements.

From the perspective of criminal procedure and forensic science in the Republic of Uzbekistan, establishing the evidentiary threshold for prosecuting artificial intelligence related intellectual property crimes presents novel technical challenges. Successfully prosecuting offenses under Article 149 of the Criminal Code requires law enforcement agencies, prosecutors, and courts to adopt advanced digital forensic methodologies. Investigative procedures must prioritize prompt log auditing and technical reconstruction to extract and analyze the complete interaction trails between the user and the platform, thereby verifying the presence of direct intent. Furthermore, expert algorithmic differential analysis must be conducted to measure the quantitative volume and qualitative significance of copied materials, alongside rigorous financial assessments to establish whether the unauthorized publication resulted in significant statutory damage to rights-holders through lost licensing fees or lost profits. Digital evidence collection in these cases must strictly conform to procedural rules governing the chain of custody for electronic metadata, hash value verifications, and server log extractions.

To address these emerging legislative gaps and provide robust judicial mechanisms within Uzbekistan's legal system, several comprehensive legislative reforms must be executed. First, civil and copyright statutes must be modernized by amending Article 1041 of the Civil Code and the Law "On Copyright and Related Rights" to introduce a formal legal distinction between human created composite works and artificial intelligence generated compilations, explicitly affirming that compilations formed purely by automated algorithmic selection do not enjoy copyright, but may receive a restricted, short-term sui generis economic right to protect financial investment. Second, the Supreme Court of the

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Republic of Uzbekistan should adopt an authoritative Plenum Resolution regarding judicial practice in cases involving intellectual property crimes committed through digital technologies, establishing clear evidentiary standards for proving direct intent among users and software developers under Article 149 of the Criminal Code. Third, statutory regulations must be enacted compelling electronic publishers, academic repositories, and scientific databases to deploy automated detection algorithms, mandatory digital watermarking, and open registers detailing source materials ingested during the compilation process.

In conclusion, the intersection of generative artificial intelligence and copyright law represents one of the most critical legal challenges of the modern era, and the legal status of anthologies compiled by algorithmic systems cannot be resolved by stretching classical doctrines beyond their logical boundaries. It demands a clear, modern legal classification that strictly upholds the constitutional requirement of human authorship. Artificial intelligence, as an unconscious technical tool, can never acquire civil rights, legal personhood, or criminal culpability, meaning ultimate legal responsibility, whether civil indemnification for damages or criminal penalties under Article 149 of the Criminal Code, must rest resolutely upon the human beings who design, direct, and deploy these technical architectures. The legal protection of composite works must remain anchored in genuine creative selection, ensuring that technological automation does not undermine the fundamental rights of original human creators. By implementing refined statutory definitions, rigorous digital forensic standards, and transparent regulatory mechanisms, the legal framework of the Republic of Uzbekistan can effectively protect human creative labor, uphold the integrity of intellectual property, and foster a secure, balanced environment for technological innovation, economic growth, and academic progress.

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