

## VALUATION OF INTANGIBLE ASSETS AND INTELLECTUAL PROPERTY

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**DOI: 10.5958/2278-4853.2022.00021.0**

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### ABSTRACT

*The relevance of the study of the problem of intellectual property protection in the print media lies in the fact that in the 21st century information flows are becoming more intense, an increasing number of people are involved in the process of creating and distributing, receiving and transmitting information, including through newspapers and magazines. As a result, there are many more objects of copyright than before, more complex legal relationships arise between the subjects. The previously rather narrow sphere of copyright, which covered a small part of society, is now rapidly expanding. Representatives of an increasing number of professions, including journalists, fall into it.*

**KEYWORDS:** *Journalist, Method, Newspapers, Decisive Factor, Intellectual Property.*

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### INTRODUCTION

Along with such traditional sources of information as the press, television and radio, a new one has appeared - the Internet, which has significantly changed not only the methods of work of journalists, but also influenced the legal foundations of their work. The Internet gave journalists not only a way to quickly exchange information, but also the ability to instantly get text, photos, and videos at their disposal. And along with this opportunity, there is a temptation to use them in your work, publish them on the pages of newspapers and magazines, often “forgetting” that texts and photographs have authors who have exclusive and personal non-property rights to them. As a result of the current state of affairs, print editors often borrow materials from the pages of competing publications, from news agencies, from photographers or journalists without their permission, without paying royalties, and even without identifying the source. And the legal incompetence of some journalists in this area leads to litigation between them and the copyright holders of the works used, between competing publications, as well as with those who illegally used their intellectual property. In addition, the problem of co-authorship makes the topic under study relevant. Increasingly, works are created with the participation of not one, but two or more persons, for example, a journalist and an expert in a narrow field. And it is not always clear which of them can be considered an author and which cannot. As a result, the rights of co-authors are very often violated. Particularly serious disagreements in this regard can be caused by such genres as interviews, reviews of letters or press. The fact that these genres, especially the first one, are quite often found on the pages of newspapers and magazines only enhances the relevance of the issue under consideration. The study of the problem of intellectual property

protection in the philological aspect is also relevant because the vast majority of works on intellectual property in the media are written by lawyers and are often difficult to understand for people without a legal education, including journalists. As a result, the latter do not read the legal literature on this topic or have difficulty understanding it, often incorrectly. On the other hand, some lawyers who write about intellectual property in the media, understanding the legal side of the issue, sometimes have insufficient understanding of the practical side of the work of journalists. And, as a result, they put forward proposals and legal norms (which are sometimes enshrined in legislative form) that cannot be applied in practice. It also draws attention to the fact that clear criteria for creativity in copyright have not yet been defined. As you know, the presence of a creative component is a decisive factor that determines whether a particular work is an object of copyright. However, until recently, not a single legislative act indicated by what parameters it is possible to determine whether a work was created by the creative work of the author or only technical work took place. All this suggests that a detailed consideration of the problems of intellectual property in relation to the work of a journalist in the periodical press is extremely relevant. [1]

The purpose of the study required the formulation of the following tasks, the solution of which is necessary within the framework of this article:

- studying the impact of new information technologies and media convergence on the work of a print media journalist from the point of view of intellectual property law;
- Determination of the stages of formation of copyright with the identification of features related to the print media;
- Features of the work of the media especially print media, in the aspect of modern printing legislation on intellectual property;
- Identification of the features of legal regulation arising from the creation, distribution and use of works in the print media;
- Allocation of categories of intellectual property objects in periodicals, and the features of these objects on the basis of the current copyright law;
- Identification of the main problems in the implementation and protection of copyrights of journalists on the works they have created, as well as on the use of intellectual property of others by them when creating their own works; Data mining is a branch of information technology that covers the entire area of problems related to the extraction of knowledge from data arrays. However, data mining also includes issues of data extraction from various sources, their consolidation, profiling, transformation, preprocessing, cleaning and enrichment. [2]

Data mining models can be applied in specific business scenarios, namely:

Forecasting: sales estimation, server load forecasting or server downtime;

Risk and probability:

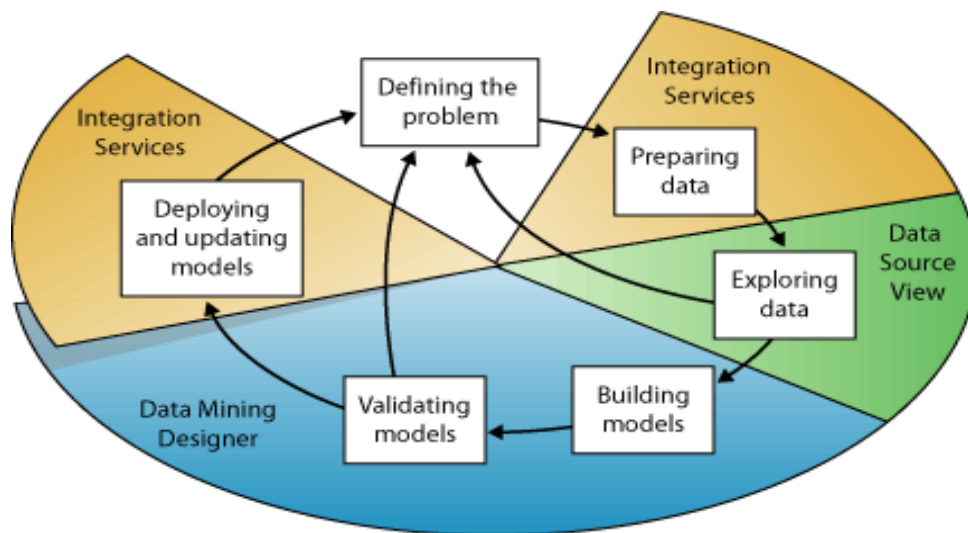
- Selection of the most suitable customers for targeted mailing, determination of the equilibrium point for risky scenarios, assignment of probabilities to diagnoses or other outcomes;

- Recommendations: identifying products that are highly likely to be sold together, creating cross-packages;
- Search for sequences: analysis of the choice of customers at the time of making purchases, forecasting the next possible event;
- Grouping: dividing customers or events into clusters of related elements, analyzing and predicting commonalities.

Often, data mining is considered as a transformation of the term Data Mining (excavation, data development) and these two concepts are considered synonymous. In a broad sense, this is quite acceptable. However, it would be wrong to consider them absolutely identical, since Data Mining methods focus mainly on data analysis processes and intelligent modeling. At the same time, it is believed that data mining considers the whole range of problems associated with the process of extracting knowledge from databases. [3]

Despite the fact that most of the materials published in the periodical press are protected by copyright, there are cases in which the law allows their (or parts of them) free use, that is, without the permission of the authors and other copyright holders, but with the obligatory mention of their names and source of borrowing. Such cases relate, among other things, to quoting media materials or reprinting them for informational purposes. That is, large publications in most cases have the opportunity to create news content on their own, without resorting to quoting other publications. [4]

However, over the past 5-10 years, the situation has changed dramatically, not least due to the development of the Internet. A large number of small print and online publications have come into being, which cannot have large editorial offices or maintain correspondents abroad [5].



However, firstly, the legislator does not give a precise definition of the concept of information purposes, as well as scientific, critical and polemical. Therefore, it is important to define these concepts with sufficient accuracy, primarily in relation to the print media. Secondly, the concept of “to the extent justified by the purpose of quoting” is not defined either, that is, the amount of cited material does not have a clear limit, and in the case of litigation, the decision on this issue

is made by the court. Therefore, it is necessary to develop a precise understanding of this concept.

And, thirdly, it is impossible not to note the difficulty for journalists of the wording of "lawfully published works." After all, it is far from always possible for a journalist, when deciding on the possibility of quoting a fragment of someone else material, to determine with sufficient certainty whether it was published lawfully [6]. The specific control function is:

- a) Forecasting;
- b) Control;
- c) General guidance;

A.G. Richter notes that "the goal of informing is usually understood as the task of communicating any information about individual events, facts, discussing these events, phenomena or processes in public life. Controversy involves the presentation of two or more points of view that do not agree with each other - a quote is needed here to indicate the position of a particular person. Controversial critical goals involve evaluating something through analysis or analysis. And the World Intellectual Property Organization (WIO) defines a quotation as "a relatively short passage quoted from another work to prove or make more understandable the author's own statement or to refer to the views of another author in the original wording." Another important point of quoting in the media is quoting newspaper materials and magazines online publications on their websites, as well as news agencies on their websites and information subscription feeds. If newspapers reprint mainly informational messages of an operational nature, then electronic media from print media most often exclusive interviews of officials and businessmen, as well as materials in the genre of investigative journalism or analytical articles [7].

Even today, newsmakers prefer most often to give interviews to federal print publications, since they continue to traditionally enjoy the greatest authority and are in demand by the largest audience (unlike online publications, for example). Analytics and investigations are most often found in newspapers, because electronic media, due to the speed of their work, are much less likely to spend time developing such materials. [8]

Thus, based on the foregoing, we can conclude that the issue of the newspaper may well be attributed to a composite work, since the complexity of preparing it for publication leaves no doubt about the need to apply creative labor to create it. Accordingly, a single article may enjoy legal protection as an integral part of it as an object of copyright. Therefore, it is quite possible to assume that an indication of the prohibition of reproducing the materials of the entire issue can be placed in just one place - on the last page. As for quoting in the print media, it can be considered justified to include only those quotations that contain information that was previously unknown, first published in the original source. At the same time, the content of citations should not exceed 50% of the entire text in volume, should correspond to the meaning of the title and lead of the material in which they are placed, citations should be clearly highlighted in the text. [9].

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