



Article

Legal Framework for Emoji Regulation in Virtual Space: Classification and Characteristics

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Abstract: This research examines the civil-legal regulation of emoji in contemporary virtual environments. The study analyzes the emergence and evolution of virtual space, with particular focus on emoji as a distinct digital object requiring legal consideration. Through analysis of current scientific literature and legal frameworks, the research investigates the legal characteristics of emoji, their status as intellectual property, and their position within virtual space regulation. The study examines both domestic and international legal norms governing intangible digital assets, while evaluating emoji's classification as products of intellectual activity. The findings indicate a pressing need for specialized legal mechanisms for emoji regulation within civil and intellectual property law frameworks. The research concludes that developing comprehensive cyber law and digital law approaches to emoji regulation represents a crucial challenge for modern legal scholars and practitioners.

Keywords: Virtual Space, Emoji, Digital Law, Civil Law, Intellectual Property Rights, Cyber Law, Digital Assets, Legal Regulation.

1. Introduction

The so called information age, as one of the important characteristics of the 21st century, is a process that is inextricably linked with the development of Information technology. The increasing penetration of modern technologies into social life in turn implies their legal regulation.

Modern technologies have established themselves in a place created using digital technologies called virtual space.

A number of scientific developments and theories have been formed regarding virtual space, its concept and creation. And about this, we can meet different views among different scientists.

In this regard, it will be worthwhile if we start with B. Anosova's opinion. According to the author, "virtual space is a special place created using certain information technologies"[1].

Similar to this view, G. Akopov cites his own view. He believes that the world's largest computer network, which combines computer networks in the world for information exchange between them, is virtual space[2].

From the opinion of the cited authors, it can be said that virtual space is a special place where humanity is carried out all its life using various information technologies.

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2. Materials and Methods

In the process of analyzing virtual space, virtual space, relationships in it, objects and legal aspects with them were studied.

Within the framework of the studied data, virtual space, all social relations in the virtual world and issues and solutions aimed at their legal regulation are studied on the basis of a consistent analysis.

The scientific work analyzes the methods of analysis, comparison of historical cases on the basis of international relations, scientific justification and proof, systematic-logicism, comparative legal, complex tattooing of scientific sources, induction and deduction.

In particular, a systematic analysis was carried out on the basis of international legal norms and national legal norms on the subject of scientific work and as an object of research.

The main criteria for assessing the existing circumstances as an object of virtual space, social relations in virtual space, emojis, the history of their origin, development and intellectual property are analyzed.

The ideas, approaches put forward were studied and analyzed on the basis of national and foreign sources.

3. Results

Currently, the growing development of the world of the Internet is considered one of the main tasks of today to reveal, analyze and regulate the legal state of relations, objects, subjects in it.

Virtual space, relations with certain objects in it have not yet developed its own mechanism of legal regulation.

We can cite emoji as one of just such objects in virtual space.

Today it has become a difficult situation to imagine the virtual world without emodzi. Emodzi are developing to such an extent that it covers all directions.

Some research has also been done on this board. In particular, the use of 92% of social network users at the moment has been confirmed in K.Mencher's own researches[3].

This, in turn, indicates how quickly the emoji are developing in virtual space. In this regard, A.Alalwan's opinion can be agreed. He believes that virtual space and emodzi are developing in a way that is mutually exclusive. This seems to be a confirmation of their presence in the media. In this case, the development of brand quality of emoji is clearly manifested[4].

There are also different views on the emoji, different scientists have expressed their views on this matter.

We may express our reaction to the circumstances that many people have recognized regarding the origins of modern emoji.

The creation of emodzi, which today occupies an increasingly solid place as an object in various social networks of virtual space, dates back to 1999.

It was created in 1999 by Japanese engineer Shigitaka Kurita and is a decoration of today's social networks.

In this position, Krista has brought his version. The author notes that it conveys the meaning of "picture" and "character"[5].

Also, the author added that we can see that emojis in virtual space are being used not only in the process of communication, but also in official information segments.

D.Voynov gave a slightly different opinion. In his opinion, Emoji are considered a photo aimed at influencing the arousal of various emotions on social networks or in different messengers[6].

The author's interpretation of emodzi as a picture in turn points to his analysis as an object of intellectual property. This in turn provides the basis for our assessment as an object of civil law.

In a word, there are enough grounds for us to evaluate emoji as the result of intellectual activity. And we can reveal this with an analysis of the opinion of a number of scientists.

The fact that intellectual property is considered by I.Zokirov as a specific object in civil legal relations[7], X.Rakhmankulov comments that the results of creative activity in a specific form, visually expressed, are calculated on intellectual property and regulated by law in the appropriate order. And these results are recognized by the exclusive, that is, the rights of a citizen or a legal entity, separately and exclusively belonging to the citizen himself [8].

When attention is paid to intellectual property results can be directly regulated not only by civil rights, but also by other branches of law, such as labor, administrative, criminal and other branches of law.

In addition to regulating the results of intellectual property with other branches of law, the main focus is on civil law.

With the development of Information Communication Technologies in virtual space at present, issues of legal relations of intellectual property and protection of intellectual property objects are gaining relevance.

In this regard, O.Oqyulov brought his proposal. His proposal is that the application of the achievements of Science and technology is a source of continuity of progress. The relationship that arises in this process is regulated through intellectual property law[9].

Also, The fact that emoji, which are considered the results of intellectual activity in virtual space, are an object of intellectual property law, like other civil law, is sufficiently proven in scientific sources.

In this regard, it is advisable to cite I.Rustambekov's opinion. According to the author, the objects of copyright and related rights arise from the moment they are posted on the internet, that is, published, while other objects are determined in the appropriate order by the time of the emergence of the right to it[10].

The main focus in this case is that the copyright rules apply to emodzies in virtual space automatically after they are deployed on the internet in a specific context. As the results of intellectual activity, the protection of emoji to the appropriate order is a requirement of today's times.

It is significant that the rights to the emoji can be bought and sold in any form of trade, rented out, bequeathed as an inheritance, as a result of intellectual property. In addition to the object of civil-legal relations associated with intellectual activity is considered to be:

The first, legal relations for the organization of intellectual activity;

The second, the legal regime of intellectual activity products, the legal status of the creators of intellectual activity products and owners of different rights in relation to these products;

The third, the protection of violated rights in relation to the products of creative activity is the relationship with the restoration.

In our current civil code, objects of intellectual property rights in virtual space are mentioned.

According to Article 1031 of the Civil Code, virtual space as objects of intellectual property law can be cited as follows.

⊗ Intellectual property results posted and stored in virtual space, science, literature, works of art-text recordings; performances, Phonograms, broadcasts or broadcasts of broadcast or cable broadcasting organizations – audio and video recordings, programs and databases for electronic computing machines – websites, portals, programs, inventions, utility models, industrial samples, selection achievements, secrets of undisclosed information and production and other circumstances;

⊗ Tools that reflect the private symptoms of participants in civil circulation in virtual space, goods, works and services: firm names; trademarks; goods produced – are reflected in domain names and websites

⊗ Other results of intellectual activity in cases provided for by law in virtual space are domain names that reflect the private symptoms of participants in civil circulation, goods and services.

it is considered sufficient grounds for us to qualify emoji in virtual space as the result of their direct intellectual activity. The reason is, emoji are also a product of human thought.

The results of intellectual activity are a special object of civil law. Intellectual property objects have the following characteristics.

- ⊙ In the main cases, objects of intellectual property are not in material form, but in ideological form;

- ⊙ In many cases, these objects can be used simultaneously by persons of infinite, non-trivial levels;

- ⊙ 164 of the civil code in relation to almost all intellectual property objects of the moment is not Ta'luqli (undisclosed information);

- ⊙ In relation to the objects of intellectual property, which are the result of creative activity, personal rights are valid, and users of other rights holders and objects are obliged to comply with them.

Emoji being researched from this case are the result of intellectual property in the full case.

One of the important golden rules of the information age is that Everyone has the right to receive the necessary remuneration for their labor. This situation is reinforced not only in our national legislation, but also in various generally respected international norms. In particular, we can also face this situation in the "declaration of universal human rights", adopted from December 10, 1948.

In Article 23 of the declaration, we can see that each person has the right to receive a remuneration for his labor, in Article 7 of the international pact "on economic, social and cultural rights" of December 16, 1966, also regulated by separate articles that each person has the right to work and receive a fair remuneration for his labor. In virtual space, emoji also mean that they are the product of Labor, and someone's use of them means that the author must be paid in the appropriate order. From another case, it means that the author's product of creativity needs to be protected.

4. Conclusion

From the above cases it can be concluded that Currently, there are still no clear mechanisms for determining the limit on the use of emojis in virtual space. While this is the case, when using emojis in virtual space, it is advisable to introduce a different system of permissions, in particular a special code, a special password and similar mechanisms.

Today we can meet in the process of access on different platforms, but not a mechanism that works with sufficient accuracy to eliminate the existing situation.

It is understood from this situation that different types of emodzis are also created by different mediagigants in the use, storage and use of emodzis on different platforms of virtual space, and they are directly referenced to the attention of users.

For example, Instagram Facebook, Microsoft, Telegram are created by different IT companies, and the characters that represent different meanings are almost completely different from one. One does not repeat the other at all, even if the focus is on their creation design. Emodzi, which have the same meaning that they say in one word, are presented by different companies in different looks.

Note that cases of unauthorized use of emodzirs in virtual space are rapidly occurring. Unauthorized use means that it is being used without the author's consent. This in turn means that the copyright in virtual space is not yet fully protected enough.

In addition to the rights of the authors are not fully protected or the author is deliberately not trying to find that there is no benefit in protecting his right. It will be possible to pass this case by analyzing it on a different approach.

In the first case, it is understood that the norms that directly regulate copyright relations are left only on paper.

In the latter case, however, the author does not act to secure the rights of his rights, realizing that there is no possibility of protection in practice.

The use of personalized Emoji created in such a bullseye with the permission of the author directly implies a violation of copyright. This sets the stage for civil legal liability in the appropriate manner.

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