

REVIEW

on the dissertation of Ansagan Kuspanovich Aronov “Mechanisms of Copyright Protection in the Digital Age: Comparison of International Practices”

The dissertation research of Ansagan Kuspanovich Aronov on the topic “Mechanisms of Copyright Protection in the Digital Age: Comparison of International Practices”, submitted for the degree of Doctor of Philosophy (PhD) in the specialty 8D04201 – “International Law,” is devoted to an extremely relevant issue of modern legal science. In the context of rapid technological progress, copyright faces new challenges posed by digital technologies, online platforms, and artificial intelligence.

The dissertation convincingly substantiates the need to modernize copyright law in the digital environment at both the international and national levels. The author demonstrates that although Kazakhstan is not a leading producer of digital technologies, it nevertheless encounters acute problems in regulating copyright on the Internet. The research presented is among the first comprehensive attempts in Kazakhstani legal scholarship to systematically study copyright in the digital age and to propose new concepts, definitions, and legal approaches adapted to modern technologies.

The key issues examined by the author are formulated into six theses for defense. Notably, the doctoral candidate proposes an original definition of the term “digital copyright” as an independent legal category objectively existing in the digital environment.

In our view, the author is also the first to address the problem of conditions enabling copyright infringement, arising from the mass digitization of works previously published in print—covering not only literature but also art and other fields.

The dynamic development of digital technologies and the emergence of artificial intelligence are likewise examined as conditions contributing to copyright infringement on the Internet. Particularly significant is the proposal to introduce liability measures for Internet providers.

Furthermore, the author has, for the first time in Kazakhstani scholarship, analyzed the causes of the reduction in criminal-law measures against copyright infringers and identified shortcomings in the construction of Article 198 of the Criminal Code of the Republic of Kazakhstan.

The scientific novelty of the dissertation is reflected in the following aspects:

1) Conceptual contribution – substantiation of the theory of “copyright dualism”, i.e., the coexistence of traditional copyright and digital copyright as two independent systems with distinct principles, methods, and subject matter of regulation;

2) Doctrinal innovations – the development of original definitions of “digital copyright” and “digital environment”, enriching both national and comparative copyright theory.

Comparative analysis – an in-depth study of the practice of the United States, the United Kingdom, and the European Union in regulating digital copyright, the liability of Internet providers, and the protection of AI-generated works, with concrete recommendations for adapting the best foreign models to Kazakhstani legislation.

Legislative proposals – well-argued amendments to the Law of the Republic of Kazakhstan “On Copyright and Related Rights” (1996), concerning the recognition of computer-generated works, the establishment of liability for Internet intermediaries, and the introduction of modern technological protection measures (TPMs).

The dissertation rests on a solid methodological foundation. The author applies dogmatic, comparative, historical, and causal methods of analysis, which ensure a comprehensive and multifaceted treatment of the topic. The research is supported by a broad range of sources: international treaties (the Berne Convention, WIPO Treaties, TRIPS), national legislation (Kazakhstan, the USA, the UK, the EU), judicial practice, and works of leading foreign and domestic scholars.

Particularly noteworthy is the analysis of case law on landmark disputes—from Napster to The Pirate Bay—which illustrates the evolution of copyright infringements in the digital environment. The author demonstrates the ability to critically assess trends in judicial interpretation and to draw conclusions relevant to Kazakhstani realities.

The research goes beyond theoretical analysis, offering concrete and practical recommendations for Kazakhstan: clarification and modernization of the concept of authorship with regard to AI-generated works; the formation of a balanced model of Internet provider liability, drawing on the EU E-Commerce Directive and US experience (DMCA); the introduction of modern technological solutions (DRM, blockchain, Creative Commons licenses) as tools of copyright protection; and the improvement of national enforcement practices, including the elimination of gaps in the application of Article 198 of the Criminal Code.

The conclusions and proposals of the dissertation have both theoretical and practical significance, not only for Kazakhstan but also for the broader international academic and legal community.

The results of the research can be used in lawmaking, judicial practice, legal practice in drafting copyright and licensing agreements, as well as in the educational process for courses in civil and intellectual property law.

The dissertation demonstrates that the candidate possesses a high level of scientific independence, analytical thinking, and academic integrity. A.K. Aronov skillfully combines theoretical depth with practical orientation, showing the ability to work with a wide range of international and foreign sources and to adapt best practices to national needs.

The author actively participates in academic life, publishing articles in national and international journals on P2P technologies, Internet provider liability, the legal regulation of AI, and the reform of Kazakhstani copyright legislation. This confirms the candidate's scientific maturity and his ability to disseminate research results within the professional community.

Thus, the dissertation “Mechanisms of Copyright Protection in the Digital Age: Comparison of International Practices” is a scientifically grounded and practically valuable work. It makes a significant contribution to the development of modern copyright theory in Kazakhstan, addresses pressing challenges of the digital era, and contains legislative proposals of great practical relevance.

The dissertation meets the requirements for doctoral research, and in my opinion, Ansagan Kuspanovich Aronov fully deserves the award of the degree of Doctor of Philosophy (PhD) in the specialty 8D04201 – “International Law”.

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