

THE ROLE OF INTELLECTUAL PROPERTY LEGAL FRAMEWORKS IN ADVANCING UZBEKISTAN'S INNOVATION SYSTEMS

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Abstract

The article examines the legal protection of intellectual property objects as a key factor in the innovative development of the Republic of Uzbekistan. It analyzes the legal foundations for the formation and development of the intellectual property institution within national legislation, including its constitutional, civil, administrative, and criminal law aspects. Special attention is paid to the role of international treaties and Uzbekistan's participation in the World Intellectual Property Organization in improving the national system of intellectual property protection. The study reviews the regulatory framework governing intellectual property relations, as well as the socio-economic and legal factors determining the necessity of criminal law protection of intellectual property objects. The author concludes that effective legal protection of intellectual property is an essential prerequisite for the development of an innovation-driven economy and the enhancement of the state's intellectual potential.

Keywords: Intellectual property, legal protection, innovative development, Republic of Uzbekistan, international law, WIPO, civil law, criminal law protection, legal regulation, intellectual property objects.

Introduction

**ПРАВОВОЕ ОБЕСПЕЧЕНИЕ ОХРАНЫ ИНТЕЛЛЕКТУАЛЬНОЙ
СОБСТВЕННОСТИ КАК КЛЮЧЕВОЕ УСЛОВИЕ
ИННОВАЦИОННОГО ПРОГРЕССА РЕСПУБЛИКИ УЗБЕКИСТАН»**

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Аннотация В статье рассматривается правовая защита объектов интеллектуальной собственности как один из ключевых факторов инновационного развития Республики Узбекистан. Анализируются правовые основы формирования и развития института интеллектуальной собственности в национальном законодательстве, а также его конституционно-правовые, гражданско-правовые, административно-правовые и уголовно-правовые аспекты. Особое внимание уделяется роли международных договоров и участия Республики Узбекистан во Всемирной организации интеллектуальной собственности в процессе совершенствования системы охраны интеллектуальных прав. Рассматривается нормативно-правовая база, регулирующая отношения в сфере интеллектуальной собственности, а также социально-экономические и правовые факторы, обуславливающие необходимость уголовно-правовой защиты данных объектов. Делается вывод о том, что эффективная правовая охрана интеллектуальной собственности является важнейшим условием развития инновационной экономики и повышения интеллектуального потенциала государства.

Ключевые слова: интеллектуальная собственность, правовая защита, инновационное развитие, Республика Узбекистан, международное право, ВОИС, гражданское право, уголовно-правовая охрана, правовое регулирование, объекты интеллектуальной собственности

Intellectual property is a relatively new concept in the legislation of the Republic of Uzbekistan. Until recently, it was referred to in scientific literature as a conditional, collective term, used only in international agreements and the legislation of certain states. The fundamental legal basis for the term “intellectual property” is reflected in the Constitution of the Republic of Uzbekistan, adopted on December 8, 1992, then in the Civil Code of the Republic of Uzbekistan and

other legislative acts. However, it should be noted that the term “intellectual property” is not fully defined in any of the aforementioned laws. Thus, Article 42 of the Constitution of the Republic of Uzbekistan, dedicated to freedom of scientific and technical creativity and the right to use cultural achievements, states that “intellectual property is protected by law”. Article 97 of the Civil Code of the Republic of Uzbekistan defines the results of intellectual activity, including exclusive rights to them, as objects of civil rights, i.e., those material and spiritual benefits over which subjects of civil law enter into legal relations with each other. At the same time, the legislator uses such a collective concept as intellectual property to designate them.

It is also necessary to note the fact that the term “intellectual property” is recognized in international law: in 1883 it was used in the Paris Convention for the Protection of Industrial Property, which continues to be the most important international agreement in the field of protection of industrial rights, and in 1967 in the Stockholm Convention establishing the World Intellectual Property Organization (WIPO) [1]. According to Article 8 of the most recent Convention, the concept of “intellectual property” includes rights relating to various results of intellectual activity in the industrial, scientific, and artistic fields. Furthermore, the concept of intellectual property is widely used in the legislation and practice of many countries (China, Sweden, Russia, Belarus, etc.).

I.V. Tsvetkov defines intellectual property as “a historically established conventional term denoting a system of inextricably linked exclusive personal non-property and property rights to the results of intellectual, primarily creative, activity, and the means of individualization equated to them, directly specified in the law” [2].

Administrative and legal norms, which characterize the system of intellectual property management and enforcement, play a certain role in regulating intellectual property relations, as do financial and legal norms, which clarify the procedure for state and municipal funding of intellectual property creation. Labor regulations govern the relationship between the creator of a creative work and the administration of enterprises, institutions, and organizations regarding works made for hire [3].

The legal framework governing intellectual property is a complex system comprising acts of varying legal force, the territory to which they apply, and the

range of persons covered [40]. In its most general form, it can be represented as follows: international legal acts (adopted within the framework of the World Intellectual Property Organization and its specialized agencies); agreements between states; and national legislation.

Thus, the provisions of international treaties to which the Republic of Uzbekistan is a party are of great importance in regulating intellectual property relations. In 1991, Uzbekistan joined WIPO and became one of the countries adhering to the key international agreements administered by WIPO, which are aimed at the civilized use of intellectual property.

The Republic of Uzbekistan is a member of WIPO and a party to twelve of its treaties and agreements.

Constitutional and legal norms form the ideological foundation of modern intellectual property legislation. These include, first and foremost, provisions on freedom of creativity, press, speech, thought, and privacy, as well as the right to access information and cultural values.

Civil law norms contained in the Civil Code of the Republic of Uzbekistan and special laws dedicated to individual objects of intellectual property regulate relations related to their use and protection (Article 2 of the Civil Code of the Republic of Uzbekistan).

To date, there are the following laws regulating public relations in the field of intellectual property: the Law of the Republic of Uzbekistan dated 30.08.2001 No. 267-II "On Trademarks, Service Marks and Appellations of Origin of Goods", the Law of the Republic of Uzbekistan dated 29.08.2002 No. 397-II "On Inventions, Utility Models and Industrial Designs", the Law of the Republic of Uzbekistan dated 29.08.2002 No. 395-II "On Selection Achievements", the Law of the Republic of Uzbekistan dated 06.05.1994 No. 1060-XII "On Legal Protection of Programs for Electronic Computers and Databases", the Law of the Republic of Uzbekistan dated 12.05.2001 No. 218-II "On Legal Protection of Topographies of Integrated Circuits", the Law of the Republic of Uzbekistan dated 20.07.2006 No. ZRU-42 "On Copyright and Related Rights".

The social determination of criminal law norms providing for liability for the most dangerous forms of violation of intellectual property relations is determined by a number of factors: 1) socio-economic; 2) normative; 3) historical; 4) criminological.

The socioeconomic factor points to the necessity of these norms as a means of strengthening, developing, and protecting intellectual property. One of the main indicators of a society's civility has always been the attention it places on the development of science, culture, and technology. [5] The success of solving the economic problems facing a society ultimately depends on its intellectual potential and its level of cultural development. The criminal protection of intellectual property is determined not only by its national importance, commercial value, and circulation, but also by the need to protect it as an intangible, freely distributable, and easily accessible asset essential to human life and work [6].

When highlighting the normative factor, it should be noted that the criminal law aspect of liability for crimes against intellectual property is determined by acts of international law, the Constitution and the norms of civil, administrative, labor and financial legislation that regulate the relevant relations.

Currently, criminal legislation in the area of combating crimes against intellectual property faces important challenges related to both the scientifically based establishment of its norms and the practice of their application.

References

- [1] The Republic of Uzbekistan is a party to the Convention establishing the World Intellectual Property Organization of December 25, 1991. Declaration on the entry into force of the Convention establishing the World Intellectual Property Organization of May 5, 1993.
- [2] Tsvetkov, I. V. (Igor Valerievich). Civil-law protection of intellectual property: Abstract of a dissertation for the degree of candidate of legal sciences. 12.00.03 - Civil law; Business law; Family law; Private international law / I. V. Tsvetkov; Scientific director L. N. Rakitina. - Kazan, 2004. - 22 p. - Bibliography: P. 8
- [3] Potapov V.I. Legal protection of intellectual property in the field of informatization and computer technology. Study guide. Omsk, Publishing house of Omsk State University . 2016. P. 118
- [4] Dementiev V.N. Legal protection of intellectual property. -M.: NITsPRIS , 2005, p. 31; Galperin L.B., Mikhailova L.A. Intellectual property: essence and legal nature. Industrial and intellectual property law. Novosibirsk: Nauka, 2007,

pp. 21-22; Borokhovich L.N., Monastyrskaya A.A., Trokhova M.V. Your intellectual property. SPb.: Piter, 2011, p. 68; Botuz S. Legal protection of intellectual property on the Internet. // Intellectual property. 2009. No. 3-4. pp. 32-39.

[5] Shatrov V.P. International cooperation in the field of invention and copyright. - M.: International Relations, 2006, p. 98

[6] Tselikov S.S. Intellectual (industrial) property. Problems of legal protection. Moscow: Luch, 2008. P. 84.