

TYPES OF OBJECTS OF INTELLECTUAL PROPERTY PROTECTION ON THE BASIS OF THE INTERNATIONAL TRIPS AGREEMENT: FEATURES OF LEGAL REGULATION

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Annotation:

The article provides a comparative analysis of international acts with the national legislation of the Republic of Uzbekistan in the field of legal regulation of intellectual property. Proposals have been formulated to improve the legislation of the Republic of Uzbekistan in this area. A critical analysis of the legislation of the Republic of Uzbekistan on copyright and related rights is also carried out.

Keywords: TRIPS agreement, intellectual property, copyright and related rights, patent, insecurity, market, consumer, brand.

TRIPS Agreement means an agreement on trade-related aspects of intellectual property rights. It is the most comprehensive multilateral intellectual property agreement. TRIPS is an international agreement administered by the WTO, which means that this agreement will apply to all the other 160 members of the World Trade Organization. The provisions of this agreement entered into force for all signatory parties at the beginning of 1996 and from that moment they became binding on all WTO members.

TRIPS regulates the legal protection of intellectual property, in turn, intellectual property rights are the rights granted to people in relation to the creations of their minds, since the word "intelligence" itself is from Latin means mind. It is also the legal rights that these creations protect. Intellectual property rights give their owners the right to prevent others from using their creations for only a limited period of time, and intellectual property rights also give owners the right to receive royalties or any financial compensation or payment when another person uses their creations.

In fact, the essence of TRIPS is expressed in the procedures for the settlement of disputes between WTO members on issues relating to the main obligations under this agreement. All disputes arising within the framework of the WTO are disputes between member states. That is, these are not disagreements over particular cases of infringement of intellectual property rights, but disputes over the compliance of the laws of a country with the provisions of the TRIPS agreement that arise between member states. For example, if a WTO member violates

its obligations, the plaintiff state has the right to impose trade sanctions in the form of punitive tariffs. Since 1996, more than 20 disputes between WTO members over the Agreement have been considered.

The TRIPS agreement itself consists of a preamble, as well as 7 parts (part 1 general provisions and fundamental principles; part 2 rules concerning the existence, scope and use of intellectual property rights; part 3 enforcement of intellectual property rights; part 5 prevention and settlement of disputes; part 6, transitional arrangements; part 7, institutional arrangements; and final provisions), and 13 sections containing 73 articles. The TRIPS Agreement requires WTO members to comply with the obligations of the Paris Convention for the Protection of Industrial Property (1967), the obligations of the Berne Convention for the Protection of Literary and Artistic Works (1971) (Article 9 of TRIPS), and the Rome Convention (1962).) and the Washington Treaty (1989) (Article 35 of TRIPS).

According to the TRIPS agreement, objects of intellectual property protection are divided into the following types:

Copyright and related rights - Copyright protects original works of authorship. The difference between copyright and patent is that copyright only protects the expression of the results of intellectual activity, but not ideas or methods as such, which, accordingly, can be freely copied. The duration of copyright is usually calculated based on the life of the author plus 50 to 70 years. Literary works, works of art and scientific works are protected by copyright. Over the past decade, copyright has become the main form of protection for computer software rights. Rights associated with copyright - also called related rights - are granted to record labels, performers and broadcasters. Restrictions on exclusive copyright or related rights may be limited to cases of so-called fair use, for example for the benefit of libraries or the learning process, as well as for the purposes of criticism.

Trademarks are words, signs or symbols that distinguish a certain product or company from other products and companies. By purchasing a product with a trademark, the consumer can be sure that he is buying exactly what he needs. The validity of a trademark is practically unlimited, provided that it is actually used. Trademarks are used to identify goods and services in almost all industries. In some industries that produce consumer goods such as watches or clothing, the use of trademarks is of particular importance.

Geographical Indications - for the purposes of this Agreement, geographical indications are designations that identify a good as originating in the territory of a Member or a region or locality within that territory where a certain quality, reputation or other characteristic of the good is largely attributable to its geographical origin. Additional protection for geographical indications for wines and spirits. Each member provides for legal measures for interested parties to prevent the use of a geographical indication, ideally identifying wine, for wines not originating in the place named in the geographical indication, or identifying spirits, for spirits not originating in the place indicated in that geographical indication, even if the true origin of

these goods is indicated, or a geographical indication is used in translation or is accompanied by expressions such as "kind", "type", "in style", "imitation" or the like.

Industrial Designs - members grant protection to independently created new or original industrial designs. Members may provide that designs are not new or original unless they differ significantly from already known designs or from combinations of their known characteristics. Members may provide that such protection shall not extend to designs whose creation is driven primarily by technical or functional considerations. The owner of a protected industrial design has the right to prevent third parties, without his consent, from producing, selling or importing products embodying or incorporating a design that is wholly or largely copied from the protected design, if such actions are taken for commercial purposes. The duration of the protection granted is at least 10 years.

A patent is a legal title that gives its owner the exclusive right to commercialize an invention. In order to apply for a patent, an invention must be novel, non-obvious, and industrially applicable. A patent is usually issued for a period of 20 years, after which the invention becomes public property. The patent system is one of the oldest and traditional forms of property rights protection. In almost all industries, inventions are protected from copying by competing firms with the help of patents. Since the early 1980s, patents have been issued for agricultural biotechnologies and products derived from them, as well as for certain types of computer software. As a complement to the patent system, some countries apply the right to utility models (or petty patents). Less stringent novelty criteria for utility models allow the granting of rights to small, incremental innovations. The duration of such rights is much shorter than the duration of conventional patents, ranging from four to seven years. There are also design rights to protect the decorative features of consumer goods such as shoes or cars. In order to protect an industrial design, it must be new or original. The duration of industrial design protection is usually between five and fifteen years.

Topologies of integrated microsystems - changes in technologies, as well as unique characteristics inherent in some industries and products, have caused additional, so-called *sui generis*, protection systems to appear in addition to traditional ways of protecting intellectual property. Integrated circuit topologies protect semiconductor manufacturers. The protection applies only to the layout of integrated circuits and does not prohibit engineering analysis of the semiconductor. In this respect, layout protection is similar to copyright. However, the duration of such protection is substantially shorter than for copyright and is usually ten years. The copyright holder has the right to prevent unauthorized reproduction, import, sale or other distribution of the topology for commercial purposes.

Confidential Information - part of the intellectual property system in many countries is the protection of Confidential Information. It differs from other forms of intellectual property protection in that it does not give the creator of the original an official legal title. Instead, it protects the business from the unauthorized disclosure or use of confidential information. Such

information includes inventions in the pre-patent stage, the organizational structure of the enterprise, customer lists, requirements for supplied products, and the like. In agriculture, breeders protect data on hybrid plant varieties whenever possible. Copying by "reverse engineering" does not violate the law on the protection of proprietary information. In fact, all industries use the privacy law to protect their intangible assets.

However, it should be borne in mind that this list is not exhaustive, in accordance with the fact that TRIPS has incorporated the norms of other international agreements, according to which other types of Intellectual Property may also fall into the category of protected, for example, commercial designations according to Article 8 of the Paris Convention for the Protection of Industrial Property.

Of course, TRIPS makes it easier for developed and developing countries to create and legislative acts, as they provide the basic framework according to which normative legal acts will be issued, but it is not necessary to deny the fact that the Republic of Uzbekistan has its shortcomings in the field of intellectual property protection.

One of the main gaps in the field of copyright and related rights regulation is the problem of intellectual property awareness among small and medium businesses. Namely, more than half of SMEs have never heard of intellectual property due to a lack of efforts to raise awareness in the business world. At the international level, countries such as Mauritius, Luxembourg, Switzerland can boast of their good reputation and high consciousness in the field of intellectual property protection. In my opinion, public awareness of intellectual property can be raised through media and government initiatives that achieve commercial goals is the first step in tackling the lack of awareness.

Another problem in the protection of intellectual property rights is insecurity, namely illegal use, copying and distribution of the work, as well as plagiarism. The Republic of Uzbekistan has the Law of the Republic of Uzbekistan "On Trademarks, Service Marks and Appellations of Origin", which means that at the legislative level there is protection for trademarks in the state, but in practice you can see a violation in this category of rights. This means that there is a process of deliberate parasitism on the reputation of a well-known trademark - this is the appearance on the market of fakes for products of well-known companies: from exact copies to creating similar symbols, packaging, design, names, etc. to promote the same goods or services sold by the original manufacturer. Exact copying was typical for the 90s. XX century, now another trend is more common - the release of goods under a similar trademark with a change in one or two letters, colors or fonts. And then consumers get used to it, already associate goods under this brand with the manufacturer, and loyalty is formed. The business founder decides it's time to get registered, and that's where the trouble begins. This problem will also be related to the problem above. Now a foreign manufacturer of products or services in Uzbekistan is faced with two facts: either Uzbek manufacturers begin to copy or imitate their products, or they want to enter the market, but cannot, because their brand has already

been captured. According to most foreign copyright holders, special attention should be to give objectivity to the consideration of such cases in courts, to exclude the influence of the "human factor" in the course of judicial proceedings. Because those who follow the path of theft and appropriation, unfortunately, often have certain opportunities to influence decision-making. Clearly violations should not be justified under the sauce of localization, import substitution and support for national business.

Also, it is necessary to mention the fact that the Republic of Uzbekistan is not yet a member of the WTO, and in accordance with this, has not signed the TRIPS agreement, however, the Uzbek side emphasized the priority given in the republic to the issue of early accession to the WTO. In particular, it was noted that this issue is one of the key tasks outlined in the development strategy of New Uzbekistan for 2022-2026, according to a message on the website of the Ministry of Investment and Foreign Trade. Uzbekistan received observer status in the General Agreement on Tariffs and Trade in June 1994, in 1998 a working negotiating group was established on the country's accession to the WTO.

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