

## THE CONCEPT, TYPES AND SIGNIFICANCE OF THE OBJECT OF INTELLECTUAL PROPERTY RIGHTS

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### **Annotatsiya**

Mazkur tezisda intellektual mulk huquqi tushunchasi, intellektual mulk huquqi obyektlari turlari va tasnifi hamda ularni raqobat qonunchiligi dorasida himoya qilishning huquqiy asoslari to'g'risida batafsil ma'lumot keltirilgan.

### **Abstract**

This thesis provides detailed information on the concept of intellectual property rights, types and classification of intellectual property objects and the legal framework for their protection under competition law.

Intellectual property is a person's right to the result of creative activity Article 164 of the Civil Code of the Republic of Uzbekistan basically the right of ownership to the property of the person at his own will and to own, use and dispose of it for one's own benefit, as well as the right to own property, by anyone, the right to demand redress.

The basis of intellectual property is considered as science, technology and production, these are closely related to each other. From the latest scientific creation forms the path to its implementation in practice.

Scientific and technical development, production of the national economy and routinely based on economic laws in the service sector by applying the achievements of science and technology in practice is performed.

In scientific and technological development, there was an invention in the country attitude is crucial. In the national economy of inventions cost-effective scientific and technical results obtained as a result of application is a key factor in development.

During the period of rapid development of our economy, great attention is paid to the protection of existing and future intellectual property in our country, as evidenced by the above-mentioned laws and regulations adopted during the years of independence.

Intellectual property law is a specific subdivision of civil law. In turn, intellectual property rights are divided into the following specific super institutions:

- patent law (also called industrial property rights);
- copyright and related rights (in short, copyright);
- trade secret rights;
- the right of the winner of the selection;
- the right to the means of individualization (differentiation) of the participants of civil proceedings and their goods (services, works) (in short, the rights to the means of differentiation).<sup>1</sup>

In the national legal system of some countries, the field of intellectual property law is interpreted more broadly (for example, in the framework of rights, which are non-traditional objects of intellectual property, the law of invention, the law of rationalization, the law of integrated circuit topology, etc.). Intellectual property law is, in essence, a set of norms governing the relations related to the creation of products of human creative activity, the use of money, the circulation of distinguishing marks, as well as the protection of intellectual property rights.

Let's take a look at a brief history of the patenting system for world inventions and discoveries. This theme first came into force in England in the XVII century. From 1624, the king established special privileges - patents - for those engaged in the production of industrial products based on imported technology. Individuals

<sup>1</sup> Okyulov.O. Intellectual property law, 2005. P:6

using such a new technology have had absolute rights to use the technology for as long as it takes to master it. As a result of the absolute right, the patent owner also used some privileges in the competition to encourage the development of a new product. Since then, the patent system has been improved in many ways, and has been shaped as a legal instrument regulating the relationship between the creation of new industrial products and the transfer of technology to others.

Copyright, on the other hand, came about with the invention of book printing. In France, a 1791 decree formalized copyright as a right that would also apply to the heirs after the death of the author, indicating the recognition of the copyright regardless of the facts of registration or publication of the work. In both countries, however, copyright was, by its very nature, a specific form of property right, regarded as the property of the author or his successors. Based on the philosophical views that emerged in Germany, copyright has acquired a new meaning. Based on these views, copyright has gone beyond the scope of considering the work as a form of property that provides the economic interests of the right holder. They considered a work of art or other creative work to be a symbolic continuation of the author's identity and its embodiment, and, consequently, the author had a natural right to protect the work as an integral part of his personality. This, in turn, became the basis for the development of a system of moral (personal) rights of creative individuals who create the products of intellectual activity.<sup>2</sup>

By the end of the 19th century, when the products of intellectual activity became a determining factor in development, an international scientific and technological market emerged, and there was an objective need to harmonize the laws governing this field in various countries. As a specific expression of this, the concept of "industrial property" emerged, the features of the legal regime of which were enshrined in the "Paris Convention for the Protection of Industrial Property" of March 20, 1883. In turn, such a process took place in the field of copyright and was reflected in the 1886 Berne Convention on the Legal Protection of Literary and Artistic Works. The Convention on the Establishment of the World Intellectual Property Organization (WIPO), adopted in Stockholm on July 14, 1967, defined the scope of intellectual property rights, and therefore the concept of "intellectual property" in a sense had a legal basis.

As the Republic of Uzbekistan has been a party to the Paris Convention and a member of the WIPO since 1993, the concepts of intellectual property and industrial property have a certain significance for our legal system.

As for objects of Intellectual Property according to the 1031th article of Civil Code the objects of intellectual property include:

results of intellectual activity;

means reflecting the special features of the participants of civil transactions, goods, works and services

other results of intellectual activity and means reflecting the specific features of the participants in civil proceedings, goods and services in cases provided for by this Code or other laws.

They divide into another subtypes according to the article<sup>3</sup>

When it comes to international practice on the objects of intellectual property, they (OIP) include the results of intellectual activity that can be granted legal protection in accordance with the Civil Code of the Russian Federation, Part 4 "Intellectual rights and means of individualization"

The Civil Code of the Russian Federation regulates the institution of copyright, related rights, the system of collective management of copyright and related rights, patent law, designations, other types of intellectual rights, and also establishes remedies for protecting rights.

The results of intellectual activity and equated means of individualization of legal entities, goods, works, services and enterprises that are granted legal protection (intellectual property) are:

- 1) works of science, literature and art;
- 2) programs for electronic computers (computer programs);
- 3) databases;
- 4) performance;
- 5) phonograms;

<sup>2 2</sup> Okyulov.O. Intellectual property law, 2005. P:11

<sup>3</sup> <https://lex.uz/docs/-180552#-197231>

- 6) communication on the air or by cable of radio or television programs (broadcasting of on-air or cable broadcasting organizations);
- 7) inventions;
- 8) utility models;
- 9) industrial designs;
- 10) selection achievements;
- 11) topology of integrated circuits;
- 12) production secrets (know-how);
- 13) trade names;
- 14) trademarks and service marks;
- 15) names of places of origin of goods;
- 16) commercial designations.

Objects of intellectual property consist of the results of intellectual activity and means of individualization.

The results of intellectual activity include:

- Artistic, literary and scientific works, software (SW) - objects of copyright.
- Performances by artists and conductors, productions by directors, cable and air transmissions, phonograms, databases - objects of related rights.
- Inventions, industrial designs, utility models - objects of patent law

New (often also called non-traditional) objects of industrial property are selection achievements, topologies of integrated circuits, production secrets (know-how).

The means of individualization include: service marks, trademarks, trade names, commercial designations, appellations of origin of goods.

Unlike other objects of intellectual property, the means of individualization are not recognized as the results of intellectual activity, they are only equated to them in their legal regime.

The main function of these means of individualization is to provide them with the opportunity for each participant in civil circulation to name himself, his products, his services with his own original name, to create a unique image.<sup>4</sup>

As for Great Britain Intellectual property (“IP”) is now generally more broadly defined as a category of property that includes what has been described as “intangible creations of the human intellect”<sup>5</sup>. It includes:

- patents;
- copyrights;
- trade marks;
- database rights;
- registered design rights;
- unregistered design rights;
- trade secrets;
- moral rights;
- rights against unfair competition;
- artistic works such as music and literature.

The UK Copyright, Designs and Patents Act 1988 is the current legislation setting out the legal framework governing copyright, designs and patents in the UK and their enforcement.

The Trade Marks Act 1994 is the current law governing trade marks within the UK. It implements EU Directive No. 89/104/EEC (The Trade Marks Directive) which forms the framework for the trade mark laws of all EU Member States.

The European Commission also works to harmonise laws relating to what are known as “industrial property rights” within the EU to avoid barriers to trade and to create efficient EU-wide systems for the protection of

<sup>4</sup> <https://iccwbo.ru/blog/2015/obekty-intellektualnoy-sobstvennosti/>

<sup>5</sup> The UK Copyright, Designs and Patents Act 1988

such rights. European Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 deals with the enforcement of intellectual property rights.<sup>6</sup>

One of the most important factors for the economic, innovative development of a country today is the legal protection of intellectual property rights. However, at the same time, there are cases of violations of the law as a result of unfair competition by businesses.

Legal protection of intellectual property means the basis for the creation of a legal protection of the rights of the owner of subjective rights to these objects. Consequently, the object of intellectual property is not protected by law, but by the persons who have subjective rights to the object (author's personal rights, the rights of the owner of the exclusive rights, the rights of the licensed user, the rights of the former user, etc.).

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<sup>6</sup> <https://prospectlaw.co.uk/news/article/protecting-and-exploiting-uk-intellectual-property>