



THE CONCEPT AND IMPORTANCE OF INDUSTRIAL PROPERTY IN INTELLECTUAL PROPERTY LAW

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ABSTRACT

It is known that intellectual activity is an important factor influencing the development and solving of the main problems facing humanity. It was mental activity that served to develop civilizations, alleviate manual labor, and effectively and correctly solve the dangers faced by humanity. Therefore, determining the legal status of the results of intellectual activity, studying the practice of legislation and law enforcement related to them is an urgent issue. In this article, the industrial property right and its essence will be revealed on the basis of theoretical concepts.

At the time of the creation of industrial property rights and even after that, the concept of "exclusive right" (absolute right) is based on the principle of everyone's interest. In this case, if the owner of the right was given the right of preference, priority, others were required to comply with this right.

The term "industrial property" should not be taken literally. The use of this phrase is related to the fact that in the 18th and 19th centuries in European countries, inventions protected by the legal label patent - solutions of a technical nature were mainly used in the industrial sector. Currently, industrial property is widely used not only in industry, but also in all spheres of practice and life.

As for the doctoral studies on the understanding of the object of industrial property, some authors state that industrial property law does not exist as a

system of legally consolidated legal norms representing its objective content. The separation of industrial property rights as a type of intellectual exclusive property right, like copyright, is done only at the doctrinal level and is based on international documents.

According to Article 1032 of the Civil Code, intellectual property objects are protected on the basis of a legal protection document issued by a state body. This means that according to article 1082 of the FC, an invention, a utility model, an industrial model is protected not by the fact of creation, but by the granting of a special legal protection label - a patent.

According to O. Okyulov, there are different approaches and ideas that sometimes completely contradict each other in every field of law. Any science cannot exist without it. In addition, in a certain period of time, a certain system of ideas, views,



approaches will have a dominant position as a real (relative, of course) and correct doctrine. If we liken it to a big piece of ice (iceberg) in the ocean, civil legal science is a big piece of ice (iceberg), its visible part is doctrine, and its invisible side is other scientific thoughts and ideas, developments. The doctrine serves as a specific goal for the activity of norm creation and the activity of law enforcement.

According to B.B. Sulaymanov, "doctrine" is understood and used in several contexts, in particular, it is seen as a legal science, a source, that is, an external expression of a legal norm, a form of law, and the name of a legal document accepted by a public authority.

First of all, it is necessary to clarify what is included in the object of industrial property. In 1883, the term "industrial property" was first used in the Paris Convention for the Protection of Industrial Property. At that time, a patent was understood as a combination of certain types of intellectual property: invention, industrial model and trademark. So, this situation is directly related to the industry and was created and implemented in this field. Therefore, in essence, objects of industrial property are united under this name due to the fact that they are used in the industrial sector.

The Paris Convention interprets industrial property in a broad sense and indicates the following as protected objects of industrial property: 1) inventions; 2) useful models; 3) industrial samples; 4) trademarks; 5) service marks; 6) company name; 7) geographical names; 8) the name of the place of origin of the goods; 9) prevention of unfair competition (Article 1.2). It follows that the range of industrial

property objects has expanded to a certain extent over time. It seems that the scope of objects of industrial property does not correspond to its content. Even now, these types of industrial property objects are preserved in the context of the Paris Convention. So, it is accepted that the object of industrial property is understood in a broad sense, and it is not only industrial, but also commercial, agricultural, mining industries, as well as any industrial or natural products - wine, grain, tobacco, flowers, flour, chemistry, information and communication technologies and other areas.

In the new version of the law of the Republic of Uzbekistan dated August 29, 2002 "On Inventions, Utility Models and Industrial Samples", a two-pronged approach is observed. Here, the legislator expresses the concepts of "invention, utility model and industrial model" as the same concepts as objects of industrial property. Invention, utility model and industrial sample are listed as objects of industrial property in the title of the law, and this situation is regulated in a number of articles (6, 7, 8 and others) of the law. In Article 2 of the Law, legal documents on industrial property objects are defined as consisting of this Law and other legal documents, and the phrase "industrial property object" is also used in other (2, 3, 4, 5, 9-11, etc.) articles.

Intellectual property objects are conditionally divided into three groups, which differ from each other according to their legal regime:

1) works of science, literature and art. This category also includes programs and databases for electronic computing machines (EHM) that are protected by



copyright and do not require state registration;

2) means reflecting industrial property objects and private signs. This association includes inventions, utility models, industrial designs, trademarks, service marks, place of origin. Objects of this type require state registration at the request of the right holder;

3) unconventional objects. This includes breeding achievements, integrated circuit topologies and know-how.

It can be seen from the above that intellectual property objects include copyright-law, patent-law and non-traditional objects (objects that require both forms of legal protection and a separate regime).

Studying the experience of foreign countries regarding the legal regulation of intellectual property rights, including industrial property rights, also shows interest in improving the regulatory system in this field. Certain new objects of intellectual property, especially technology, objects of industrial property related to them, are created in developed countries. It is natural that their legal provision will be approved abroad for the first time. This excludes legal regulation within a narrow framework at the level of a specific state. Therefore, it is natural that "it is always easier to introduce a foreign created "Convenient bicycle model", that is, a legal construction into the national system, than to invent a bicycle." Based on this rule, this research topic is directly related to finding solutions in national legislation for issues tested in international experience.

Today, the process of obtaining legal protection documents for industrial property objects based on artificial intelligence (Artificial Intelligence - AI) is

widely observed. If we focus, since 1998, there has been a continuous growth in the field of artificial intelligence. Every year from 2012 to 2017, 103 companies acquired the exclusive right.

The Alphabet company (whose portfolio includes Google, DeepMind, Waymo and X Development) ranks only 10th in terms of applications for inventions (3,814) and is the leader of companies that have received legal protection in the field of artificial intelligence. Apple and Microsoft have also been actively involved in buying other organizations and their rights. While companies such as IBM and Intel focused on mature companies, the acquired companies were startups, and some had patents in their portfolios, while others had no legal protection. This means that the main purpose of buying companies is to acquire certain assets, professional personnel, as well as database, know-how and other intellectual property rights.

Currently, one of the existing problems in the field of intellectual property law is directly related to the principle of transparency based on the existing system of intellectual property. In fact, although a legal protection document is not always required (for example, for an object of copyright legal protection), any entity can obtain a legal protection document for any object of intellectual property. There are certain conditions for obtaining a legal protection document for an object of industrial property. First of all, the applicant must disclose information regarding the new technology, new product or new service. This means that it allows other people to find out who owns the technology, product or service and the rights associated with it. This approach is unique. Because the main goal is to



effectively exchange existing rights and enable their active use for the purpose of technology development and support, entrepreneurship development, and social development.

Based on the above, it can be said that transparency is an important aspect of the intellectual property system. The emergence of a number of new technologies, such as crypto-assets, cryptocurrency, electronic payments, "blockchain", requires the existence of a perfect system that can store relevant records and information. This can completely eliminate the boundary between the public and private sectors.

In conclusion, it should be noted that the scope of industrial property rights is constantly expanding. It is necessary to develop the characteristics, description, technical characteristics, field of

application and other criteria of each object, and it is necessary to focus on legal security.

It is necessary to determine the relationship between the doctrinal bases of legal protection of industrial property objects and the sources of legal regulation. Otherwise, if certain goals are intended in the source of legal regulation, in the end, this result may not be achieved due to the conflict with the principle rules.

In the Republic of Uzbekistan, it is important to constantly improve the legislation regulating the objects of industrial property rights in accordance with modern requirements, to clearly define the ratio of legal documents. It is necessary to return the norms in the laws, to completely abandon the expression in different meanings.

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