



Liability Issues For Infringement Of Intellectual Property Rights

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ABSTRACT

This article discusses the objects of intellectual property, its characteristics, its role in a market economy, science and education, and its stakeholders. Also, the protection of intellectual property rights, liability for infringement of intellectual property rights, the views of scholars in this field, the existing shortcomings and gaps in national legislation in relation to intellectual property rights, experience of foreign countries offers suggestions and final conclusions to address the existing problems in the protection of intellectual property rights.

KEYWORDS

Intellectual property rights, exclusive rights, license, intellectual property protection, liability, related rights objects, national strategic development program, counterfeit copy.

INTRODUCTION

The development of scientific and technological progress has led to the emergence of new opportunities for expanding communication, communication and information exchange. Therefore, there is a trend of integration and mutual

development of different civilizations, cultural cooperation serves the mutual spiritual enrichment of peoples. As the head of our state Sh.M.Mirziyoev noted: “It is difficult to imagine the development of our country and society at the level of modern requirements

without science. Fundamental research plays an important role in the development of science. It is through them that new knowledge and theories are formed, and a solid foundation for future applied research and innovation is created.” And in every innovative product lies the result of intellectual property.

While the objects of intellectual property serve the development of various spheres, others play an important role in enriching human spirituality, in the harmonious development of generations. Therefore, all of them are legally protected at the international level, and those of historical significance are stored in the archives as a priceless heritage.

Intellectual property rights must also be protected because they play an important role in the development of every society in the world. International

Documents also stipulate that property rights are inalienable and must be protected.

According to Article 42 of the Constitution of the Republic of Uzbekistan, everyone is guaranteed freedom of scientific and technical creativity, the right to enjoy cultural achievements. The state also cares for the cultural, scientific and technical development of society.

Article 164 of the Civil Code of the Republic of Uzbekistan stipulates that the right to property is the right of a person to own, use and dispose of his property voluntarily and in his own interests, as well as to demand redress of any violation of his property rights by anyone marked.

Also, according to Article 169 of the Civil Code, intellectual property objects can be property.

Objects of intellectual property include: 1) the results of intellectual activity: (works of science, literature and art; performances, phonograms, broadcasts or broadcasts of transmission or broadcasting organizations; computer programs and databases; inventions, utility models, industrial designs; selection achievements; undisclosed information, including production secrets (know-how); name of the place of origin of goods; other results of intellectual activity in the cases provided by the Civil code of the Republic of Uzbekistan or other laws, and also means reflecting special features of participants of civil turnover, the goods and services.

In accordance with the Resolution of the President of the Republic of Uzbekistan dated February 8, 2019 No PQ-4168 "On measures to improve public administration in the field of intellectual property", the activities on legal protection of intellectual property and implementation of universally recognized international standards were considered unsatisfactory. In addition, in order to continue the ongoing reforms to improve the system of public administration in the field of intellectual property, increase the country's investment attractiveness, as well as the Action Strategy for the five priority areas of development of the Republic of Uzbekistan in 2017-2021, one of the main tasks is the protection of intellectual property rights.

Intellectual property law is an integral part of civil law, aimed at the achievements of scientific and technological progress, the use of human creative activity and its purposes, the protection of the absolute right and the regulation of a wide range of social relations.

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According to Article 1032 of the Civil Code of the Republic of Uzbekistan, legal protection of intellectual property arises as a result of their creation or as a result of legal protection by an authorized state body in cases and in the manner prescribed by the Civil Code or other laws.

A number of scholars have conducted research on the legal protection of intellectual property. In particular, Okyulov O. analyzing the methods and means of protection of intellectual property rights said that the legal protection of intellectual property can be understood as the basis for the creation of a legal protection of the rights of the owner of subjective rights to these objects. Also, the object of intellectual property is not automatically protected by law, but by persons who have subjective rights to this object (author's personal rights, the rights of the owner of exclusive rights, the rights of the user under the license, the rights of a person who has used it before, etc.) are legally protected.

Well-known Russian researcher N.N. Karpova gave her definition of the concept of intellectual property as an author. International norms for its protection in the World Trade Organization, as well as the TRIPS agreement, differ from other agreements in this area. At the same time, membership in the World Trade Organization for developing countries highlights the pros and cons of ensuring the protection of intellectual property rights. According to her, membership in the World Trade Organization will help countries to effectively protect

intellectual property rights, improve the investment climate, develop a unified interpretation of the concept of intellectual property rights, support local producers, protect them from discriminatory measures in foreign trade, harmonization with the legislation, recognition of generally accepted trademarks in the national market, and a reduction in the amount of counterfeit and pirated products. There are also downsides to WTO membership for developing countries. For example, high competition in foreign markets, reduced demand for scientific and technical expertise in industry, high competition between brands in the domestic market, the loss of domestic producers in the market and non-payment of patent fees by foreign applicants to the state budget.

The Republic of Uzbekistan establishes administrative and criminal liability for copyright infringement. In particular, the Code of Administrative Responsibility of the Republic of Uzbekistan According to Article 1771, illegal use of works or objects of related rights, as well as duplication, distribution, public disclosure of counterfeit copies of works or objects of related rights or copies of works or objects of related rights on their manufacturers, places of production, as well as copyright and confiscating counterfeit copies of works and objects of related rights, as well as materials and equipment used for their reproduction and distribution, as well as other offenses, from one to five times the basic amount for citizens and five times for officials when providing false information about the owners of related rights will result in a fine of up to ten times the amount of average income.

Also, if similar offenses are committed within a year after the imposition of an administrative penalty, the citizens shall be

deprived of counterfeit copies of works and objects of related rights, as well as materials and equipment used for their reproduction and distribution, and other offenses. The committers of such action, if they are commoners will also be charged from ten to twenty times, and to officials - from ten to twenty times of the average income. It should be noted that the experience and practice of Germany, France, Switzerland, the Netherlands, Sweden, the Kingdom of Denmark, China, Japan, Estonia, Russia, Belarus, Ukraine, Kazakhstan were studied in the introduction of this administrative responsibility in our code.

In accordance with Article 149 of the Criminal Code of the Republic of Uzbekistan, the appropriation of copyright in relation to the object of intellectual property, coercion, as well as disclosure of information on intellectual property without the consent of the author before their official registration or publication shall be punished by a fine or deprivation of a certain right for up to five years, or by compulsory public work for up to three hundred and sixty hours, or by correctional labor for up to three years.

If we look at the experience of foreign countries, in many countries of the world there is a single state body that regulates relations in the field of intellectual property. In particular, in Switzerland - the Swiss Federal Institute of Intellectual Property, in the UK - the Office of Intellectual Property. The system of intellectual property protection in these organizations includes a single state body and a developed infrastructure of organizations that jointly manage the property rights of authors, publishers and executors. Developed countries, including the United States and the European Union (EU), have been able to establish good cooperation between

inventors, scientists and manufacturers for almost two centuries. At the same time, the existence of mutually beneficial relations between talented inventors and the state has aroused mutual trust and hope. In the United States, Sweden, France, Italy, Germany, Japan, and the United Kingdom, which have transitioned to innovation and an innovative economy, it has taken a long time to embark on this process. Non-U.S. citizens may also register their copyright with the Copyright Office of the U.S. Library of Congress. Such registration is recognized worldwide and therefore can be considered as a universal means of copyright protection. Rospatent performs the function of registration of copyright in the Russian Federation. However, only applications, databases, and topologies can be voluntarily registered. In addition to government agencies, registration is also possible in public organizations. For example, the Russian Association of Authors (RAO) provides services for the deposit of a copy of a work, and then, if necessary, its depositories carry out the protection of copyright subjects. In the United States, such registration is carried out by various professional associations: the American Association of Recording Companies (RIAA), the American Film Producers Association (MPAA), and others.

At this point, we consider it appropriate to dwell on the example of Japan on intellectual property and its protection. In Japan, both the public and the government have great respect for intellectual property. Every year, the Government of Japan develops and implements national strategic development programs for the creation and protection of intellectual property.

In the Government of Japan, there are three scientific and technical councils that operate

successfully and efficiently, the main part of which is the Science and Technology Policy Council headed directly by the Prime Minister. At the legal level, they have developed relevant documents detailing the legal relationship and the development of intellectual property rights until 2025. According to the content of the annual strategic programs (here it should be noted that the strategic program is primarily a legal document and has a certain legal force), the creation and protection of intellectual property has been one of the priorities of Japanese economic development since 2001.

It is obvious that the legal protection of intellectual property and its authors is important for the development of the economy of any developed and democratic state.

We believe that this practice should be gradually implemented in Uzbekistan, as there will be a respect for intellectual property and the inevitability of penalties for infringement, in other words, legal awareness will increase among authors and users, as well as copyright protection.

Given the fact that intellectual property rights are codified in France, the regulation of relations in this area is more convenient for both parties, regulating the field, regulating the stage from the registration of intellectual property rights to its implementation, if we combine our current national legislation into a single code, there will be a unique Code that contains both material and procedural norms.

Examples are the French Intellectual Property Code and the Intellectual Property Model Code for CIS member states adopted by the CIS countries in 2010.

CONCLUSION

In conclusion, we believe that the best approach to the protection of intellectual property rights is, of course, the improvement of the legislation governing this area and the policy pursued by this or that country, in the case of Japan, the government's annual state intellectual property strategies and (or) roadmaps, in this regard, the Japanese are much more advanced in the creation of intellectual property (TV, computers and, most importantly, artificial intelligence-based robots (robotics)), and we believe that social support for research centers and scientists will play an important role.

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