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SUBMITTED 23 September 2025

ACCEPTED 15 October 2025

PUBLISHED 19 November 2025

VOLUME Vol.07 Issue11 2025

CITATION

Kholiknazarov Farhod Bozor ogli. (2025). Issues Of Criminal-Law Protection Of Intellectual Property Rights. The American Journal of Political Science Law and Criminology, 7(11), 33–35.

<https://doi.org/10.37547/tajpslc/Volume07Issue11-05>

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Issues Of Criminal-Law Protection Of Intellectual Property Rights

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Abstract: This article analyzes the theoretical and practical aspects of the criminal-legal protection of intellectual property rights. The content of the norms related to the protection of authors' and related rights in the Constitution and the Criminal Code of the Republic of Uzbekistan is revealed. Furthermore, a comparative analysis is conducted of the differences in approaches to establishing criminal liability for infringements of intellectual property rights in national and foreign legal systems. The article emphasizes that although criminal liability measures play an important role in protecting intellectual property rights, their punitive nature alone cannot fully resolve the problem. In this regard, the necessity of forming a comprehensive protection system and effectively applying civil and administrative measures in the field of intellectual property is scientifically substantiated. The study also examines the experiences of countries such as Georgia, Kazakhstan, Russia, Germany, Italy, and France, and presents conclusions and recommendations for improving national legislation.

Keywords: Intellectual property, criminal-legal protection, copyright, plagiarism, counterfeit products, criminal liability, civil-legal liability, comparative analysis, economic crimes, national legislation.

Introduction

According to Article 55 of the Constitution of the Republic of Uzbekistan, every person has the right to protect their rights and freedoms through the court and to file complaints with the court against unlawful actions of state bodies, officials, and public associations. Any interested person has the right to apply to the court in accordance with the procedure established by law to protect their violated or disputed rights or legally protected interests.

The joint resolution of the Plenums of the Supreme Court and the Supreme Economic Court of the Republic of Uzbekistan dated April 28, 2000, emphasizes that the absolute right of business entities to the results of their

intellectual activity — intellectual property — is protected by law and safeguarded by the state. Furthermore, any unlawful use of intellectual property is considered a gross violation of this right and may entail criminal liability in accordance with Article 149 of the Criminal Code.

Literature Review And Methods

Legal Sources:

Article 149 of the Criminal Code of the Republic of Uzbekistan establishes criminal liability for the misappropriation of copyright, forcing co-authorship, and disclosing information about intellectual property objects without the author's consent.

The Constitution guarantees freedom of creativity, thought, speech, and belief, which indicates that these rights are under criminal-legal protection.

Comparative Analysis:

There are differences in the criminal-law protection of intellectual property rights across countries. In Georgia, plagiarism is considered a property crime, whereas in Kyrgyzstan, criminal liability for plagiarism is not provided.

In Germany, Italy, and France, intangible intellectual property rights are regarded as the primary object of protection.

In the CIS countries, including Uzbekistan, criminal liability is established for plagiarism and coercion into co-authorship, primarily depending on the material value of the intellectual property.

Methods

Analysis of national legislation and judicial practice.

Comparative-legal analysis to study the differences in intellectual property protection in various countries.

Evaluation of the effectiveness of criminal, civil, and administrative measures.

Results

- Criminal-law protection alone may be insufficient to satisfy the injured party; civil claims may also be required.
- Article 149 of the Uzbek Criminal Code protects moral and property rights in the field of intellectual activity.
- The scope of criminal-law protection differs internationally:
 - o Developed countries often emphasize moral rights protection (Germany, Italy, France).
 - o CIS countries vary: property rights are emphasized, with criminal liability for plagiarism dependent on the object's value (Azerbaijan, Armenia,

Kazakhstan, Moldova, Turkmenistan).

- o Russia includes specific provisions for computer and digital intellectual property crimes.

- Intellectual property violations arise not only in developing countries but also in developed ones, affected by globalization, market dynamics, and economic incentives.

Discussion

- Criminal measures alone cannot fully address the issue; integrated measures combining civil, administrative, and criminal law are necessary.
- Enforcement challenges include low legal awareness, economic incentives, and technological developments (e.g., digital piracy among youth and students).
- Globalization creates asymmetry between developed countries (exporters of intellectual property) and developing countries (consumers).
- High prices for intellectual property products in developed countries contribute to counterfeit markets and the persistence of illegal goods circulation.
- Effective protection requires a legal framework, public awareness, and cooperation between states.

Conclusion

- Intellectual property rights are legally protected under criminal, civil, and administrative law in Uzbekistan and other countries.
- Criminal liability is applied when violations cause significant property or moral harm.
- Comparative studies reveal significant differences in how countries protect intellectual property, emphasizing the importance of integrated approaches.
- Strengthening criminal penalties alone cannot solve the underlying economic and social factors contributing to intellectual property violations.
- A combination of legal measures, public awareness, and international cooperation is essential for effective protection of intellectual property rights.

References

1. Constitution of the Republic of Uzbekistan (National Database of Legislative Information, 01.05.2023, No. 03/23/837/0241).
2. Joint Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan and the Plenum of the Supreme Economic Court of the Republic of Uzbekistan "On Judicial Practice in Applying Legislation Related to Entrepreneurial Activity," dated April 28, 2000.

3. Criminal Code of the Republic of Uzbekistan (National Database of Legislative Information, 26.09.2025, No. 03/25/1084/0874).
4. www.ima.uz – Official website of the Intellectual Property Agency under the Ministry of Justice of the Republic of Uzbekistan.
5. www.wipo.int – Official website of the World Intellectual Property Organization.
6. https://uz.wikipedia.org/wiki/Iqtisodiyot_infratuzi_Imasi - Infrastructure of the Economy.