

PATENT LAW SYSTEM AND DIFFERENCES IN THE RUSSIAN FEDERATION AND THE REPUBLIC OF UZBEKISTAN

Shukurova Durдона Abdurazoq qizi

Student of the first stage of the Faculty of Social Sciences of the National University of Uzbekistan named after Mirzo Ulugbek

Academic supervisor: **Rahimjonov Akmaljon Bahromjon o'g'li**

Abstract : The author of this article provides information about "Patent law" systems in Russia and the Republic of Uzbekistan and highlights the differences in the patent systems of the two countries.

Keywords: invention, useful model, breeding achievements, intellectual property, BIMT, BIRPI, ROSPATENT.

The author of this article discusses the patent law systems in Russia and Uzbekistan and highlights the differences between the two countries. The article emphasizes the importance of intellectual property and the risks associated with theft or expropriation. The reforms in Uzbekistan led by President Sh.M. Mirziyoyev are also mentioned. The history of the World Intellectual Property Organization (WIPO) is briefly explained, including its establishment in 1967. The article mentions that both Russia and Uzbekistan are members of WIPO. The new patent law in Russia, which came into effect in 1992, is described, including its harmonization with the patent laws of other countries and the introduction of a two-step examination system.

- Filing an application for a patent
- Formal examination of the application
- Substantive examination of the application
- Granting or refusal of the patent

This two-step system allows for a more thorough examination of patent applications and ensures that only deserving inventions are granted patents. The article also mentions the importance of intellectual property protection and the risks associated with theft or expropriation. It highlights the reforms in Uzbekistan led by President Sh.M. Mirziyoyev to strengthen intellectual property rights in the country. Overall, the article provides an overview of the patent law systems in Russia and Uzbekistan, emphasizing their differences and the importance of intellectual property protection. First of all, if we look at the history of WIPO, the World Intellectual Property Organization, the history of the World Intellectual Property Organization began in 1883 and 1886, when the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works were adopted. These Conventions provided for the establishment of small secretariats called "International Bureaus".

In 1893, these two secretariats were merged into a single secretariat under the name "United International Bureaus for the Protection of Intellectual Property" or "BIRPI" for its French abbreviation.

The current World Intellectual Property Organization (abbreviated as "WIPO", in English - "WIPO", in French and Spanish - "OMRI").

It was established in accordance with the "Convention on the Establishment of the World Intellectual Property Organization" signed on July 14, 1967. This Convention entered into force in 1970. Currently, the WTO is part of the United Nations (UN) system (since December 1974) consists of incoming specialized institution. 2001 by January 1, the organization united 175 countries.

193 countries¹ are currently members of "BIMT", including Uzbekistan and Russia. The new patent law of Russia came into force on September 23, 1992. In general, this law is harmonized with the patent laws of leading foreign countries. For example, in order to compare the degree of innovation and the possibility of industrial application as the criteria for patentability of an invention, in the USSR, the applied technical solution was considered an invention if the innovation had important differences and had a positive effect.

Another important difference of the new Russian legislation from the system of the former USSR is the introduction of a two-step system of examination expertise instead of a one-step examination system. Patenting of inventions under such a system is basically similar to the approach of other countries (for example, EPI procedures) and consists of the following steps:

1. Official examination of incoming applications for inventions transfer;
2. Publication of the application after eighteen months have passed from the date of receipt of the application. After that, temporary legal protection will be provided in the form of the published formula for the applied invention;
3. After receiving the relevant petitions of the applicant or third parties, carrying out an examination on the merits;
4. Based on the results of the examination, a decision is made on whether or not to issue a patent for the invention.

In addition to the patent, Russia also introduced a protective document called a certificate for a utility model. Such a certificate is issued after the official examination of the utility model application. Examination for the patentability of the utility model is not conducted, therefore, the certificate is issued under the responsibility of the applicant without a guarantee of authenticity.²

In addition, in Russia, a patent is a document confirming the right of foreign citizens who have the right to enter the Russian Federation without a visa to work with employers and service providers, individuals and legal entities. Working citizens of the member states of the Eurasian Economic Union (Armenia, Belarus, Kazakhstan and Kyrgyzstan) are not required to obtain a patent in order to increase their labor activity.³

The committee on inventions and discoveries was gradually changed to the Russian Patent and Trademark Agency (Rospatent).

In February 1998, the Federal Institute of Industrial Property (FIPS) was established on the basis of DPEBITI as a result of the merger of the Department of Industrial Property Rights, the All-Russian Patent-Technical Library and the Russian Agency for Legal Protection of EHM, Database and Programs for Topologies of Integrated Circuits done. In particular, in Uzbekistan from 1992 to 2011, the competent bodies involved in the protection of intellectual property objects, the State Patent

¹ <http://azkurs.org/intellektual-kapital-intellektual-mulkni-shakllantirish-va-uni.html?page=8>

² S.A. Salikhov (2010) patent science, licensing and certification Tashkent State University of Economics 139 page

³ <http://www.spbredcross.org/images/migration2019/Patent.Uzb.pdf>

Office and the Copyright Agency, were established and joined the World Intellectual Property Organization (WIPO) and more than 10 international agreements in the field of intellectual property. and developed international cooperation. With the Decision of the President of the Republic of Uzbekistan dated May 24, 2011 "On the Establishment of the Intellectual Property Agency of the Republic of Uzbekistan", the Intellectual Property Agency of the Republic of Uzbekistan was established on the bases of the State Patent Office and Copyright. As a result, wider conditions were created for our people to effectively use the freedom of scientific and technical creativity. A comprehensive system for organizing a unified state policy in the field of intellectual property, ensuring a unified approach, preparing and implementing international agreements of our country in this field has been created.⁴ of the President of the Republic of Uzbekistan on October 20, 2016

The structural structure of the Intellectual Property Agency of the Republic of Uzbekistan in accordance with the decision No. PQ-2637 "On measures to improve the activities of the Intellectual Property Agency of the Republic of Uzbekistan" and the Decree of the Cabinet of Ministers of the Republic of Uzbekistan No. 394 of November 24, 2016 The Regulation on the Intellectual Property Agency of the Republic of Uzbekistan was approved by decision.⁵

The system of patent law in Uzbekistan consists of subjects, objects and components. The author, patent owner, third parties, patent office are the subjects of the patent system.

Technical solutions (inventions and utility models), artistic solutions (industrial samples) and new varieties of plants or new breeds of animals (breeding achievements) are the objects of patent rights.

Patent rights of subjects to objects are part of the patent law system. The rights acquired on the basis of a patent are property (exclusive right) and personal non-property (copyright) rights.

These rights are exercised within the framework of civil-legal relations between the patent owner and third parties.⁶

On July 27, 1995, an agreement was signed between the governments of Russia and the Republic of Uzbekistan on free cooperation in the field of industrial property protection. In particular, citizens of Uzbekistan have the right to submit applications directly to SMFI, without resorting to the services of patent attorneys in the Russian Federation.⁷ Based on the above, there is no significant difference in the patent law system between the two countries, and from the agreements signed between Russia and Uzbekistan, we can conclude that the patent system of the two countries is rapidly developing.

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⁴ S.A. Salikhov (2010) patent science, licensing and certification Tashkent State University of Economics 140 page

⁵ <http://azkurs.org/intellektual-kapital-intelluktual-mulkni-shakllantirish-va-uni.html?page=8>

⁶ A.I.Rakhmatov and I.B.Yakubova Patent Law (2021) 10-11 pages

⁷ S.A. Salikhov (2010) patent science, licensing and certification Tashkent State University of Economics 140 page