

HISTORY AND STAGE OF DEVELOPMENT OF PATENT LAW IN RUSSIA AND UZBEKISTAN

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Abstract : This article provides detailed information about the history and development of patent law in Uzbekistan. New trends of legal protection have been created. In addition, experiments are being conducted on the Patent law system.

Key words: patent, property, right, system, protection, object, subject, document.

Today, as a result of the development of science and technology in the world, the intellectual activity of a person is becoming more and more important in various socio-economic fields. In particular, many countries of the world have entered the post-industrial era. In such a society, knowledge, ideas, inventions, and information become the main driving force. New trends in legal protection of inventions have been created. Significant progress has been made in the harmonization and unification of patent legislation. Along with traditional national systems of patenting, regional patent systems (European, Eurasian, etc.) have emerged and continue to develop. This causes the international exchange of intellectual property in almost all countries of the world, including Uzbekistan.

If we look at the history of the creation of the national patent system in Uzbekistan, in 1992-2011, the competent bodies involved in the protection of intellectual property objects, the State Patent Office and the Department of Copyright, were established, the study of the practical work experience of the world patent system and economic it has been years of standing. During this period, laws were adopted in the field of legal protection of intellectual property objects, such as: "On trademarks, service marks and names of the place of origin of goods", "Inventions, utility models and industrial samples" about",

"On Programs and Databases for EHM", "On Selection Achievements", "On Copyright and Related Rights", "On Legal Protection of Topologies of Integrated Circuits about".

It also became a member of 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 Department of Intellectual Property of the Republic of Uzbekistan", the Department of Intellectual Property 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. An integrated system has been created for conducting 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.¹

¹ 1.Textbook of civil law. Page 15-16.

In accordance with the decision of the President of the Republic of Uzbekistan dated October 20, 2016 No. PQ-2637 "On measures to improve the activities of the Department of Intellectual Property of the Republic of Uzbekistan", the structural structure of the Department of Intellectual Property of the Republic of Uzbekistan and the Republic of Uzbekistan The Regulation of the Department of Intellectual Property of the Republic of Uzbekistan was approved by the decision of the Cabinet of Ministers No. 394 of November 24, 2016. The main purpose of this decision is to further improve the system of legal protection of intellectual property objects in accordance with international norms and standards, to cancel tasks that are not typical for it and have passed their life, as well as to introduce modern interactive state services into the activities of the Department of Intellectual Property of the Republic of Uzbekistan. The main tasks and activities of the Department of Intellectual Property of the Republic of Uzbekistan are as follows:²

ensuring the implementation of a unified state policy in the field of intellectual property, legal protection of inventions, trademarks and other objects of intellectual property;³

organization of examination, registration and accounting of inventions, industrial samples, utility models, trademarks and other intellectual property objects;

Forming and maintaining a database on the official registration of the state patent fund and intellectual property, ensuring their storage and ease of use for the effective use of information by business entities of the real sector of the economy, scientists and specialists provide;

introduction of modern information technologies in the field of intellectual property, provision of interactive state services to business entities and residents based on the "one-stop shop" principle;

providing consultative and practical assistance to enterprises and organizations on ensuring legal protection of national intellectual property objects abroad, as well as expanding international cooperation in the field of intellectual property;

retraining and professional development of experts in the field of intellectual property. Patent information can be called a universal information resource, because it also has great commercial value, in particular:

1. Patent information allows you to be quickly and fully aware of the achievements of modern technology, which is constantly increasing in size. Patents always provide cutting-edge information, as the market economy and competition forces inventors (or their employers) to consider patenting their ideas a priority. Because the person who applies for the same invention first among those who apply for the same invention gets a patent and therefore has the rights arising from this patent;⁴

2. Contains important legal information, for example, information about the scope of the invention protected by a patent, the validity period of exclusive rights, etc.;

3. It allows not only economic analysis of specific intellectual property objects, but also monitoring the development of technology, production networks, entrepreneurial activity, etc.;

4. In addition, patent information includes useful information about patent owners, inventors, and their patent agents (addresses, telephone numbers, etc.) for contacting them. This allows you to quickly establish practical contacts necessary for concluding license agreements, selling or buying a

² 2.Collection of laws of the Uzbekistan SSR - T.: 1925. No. 1.

³ 3.Textbook on "Patentology, Licensing and Certification". Page 113.

⁴ 4.Patent Cooperation Treaty (PCT) for Private Applicants. 1 January 2022.

patented product, performing collaborative scientific research or innovation projects.⁵ Patent information is information about various technical solutions and developments that have been applied for and recognized as objects of industrial property (inventions, utility models, industrial samples, trademarks), as well as information about patents and the legal status of subjects related to this property. can be called⁶

The Russian Federation is one of the most economically developed countries today. Thus, management of intellectual property is carried out through special state services. In Russia, such a thing is called Rospatent. Its purpose is to implement functions aimed at directly monitoring and controlling the use of intellectual property, as well as to ensure the protection of intellectual property, patents, trademarks, geographical names, etc.

Currently, the main functions of Rospatent are:

The norms, laws, statutory documents, object of the Constitution of the Russian Federation are intellectual property;

Conducting and controlling special expertise for intellectual property objects, as well as granting special protection rights to such objects;

Provision of rights to licensing agreements and intellectual property objects;

Monitoring and control of patent duty payment process;

Registration and certification of patent representatives.

Thus, intellectual property management in Russia is carried out at the expense of the service, which includes special subordinate organizations with specific tasks and functions.

Patent documents, which include officially published patent applications or descriptions of patented inventions, utility models and industrial designs, as well as information on registered trademarks.⁷ It should be noted that in many countries, patent applications are published together with patent search reports conducted by Patent Offices, which contain a number of materials opposing the invention applied for. Patent-related literature consists of various materials resulting from analytical and synthetic processing of initial patent documents: abstracts, annotations, formula clauses.⁸ Such materials are usually published in various reports or reviews, which are specialized according to the nature and purpose of the information contained in them. The above-mentioned advantages of patent information as a source of technical and commercial information are achieved due to the following specific features of patent documents:

1. All patent documents have the same structure. In the description of each invention, the state of the art prior to the invention is revealed and the contribution of the invention to this state of the art (its novelty) is highlighted. This allows the user of the patent document to analyze the invention without studying other scientific and technical literature, and also reveals the history of technological development of this field.

2. Patent documents not only reveal the idea itself, but usually provide detailed information (specific examples) about the possibility of its practical application in industry. In most cases, patent

⁵ 5.Dzhumakhadzaev A. Patent science. Tashkent. Labor. 2001. Page 384.

⁶ 6. WIPO. PCT:вопросы и ответы. Апрель 2020г

⁷ 7. <https://pct.wipo.int/ePCT/>

⁸ 8. Patent Cooperation Treaty (PCT) for Private Applicants. 1 January 2022.

documents provide information that is not published in other literature. For example, American experts estimate that at least 70% of technologies disclosed in US patents are not disclosed in other literature than patent literature.⁹

3. Patent documents have classification symbols that allow patent documents to be classified according to the field of technology to which their content belongs. This allows processing and systematization of patent information arrays to facilitate information search.

4. All patent documents are provided with bibliographic information, which includes legal information, for example, the date of patent issuance, the priority date of the invention, information about the applicant, etc. To facilitate the search and processing of patent documents, the bibliography is systematized according to generally accepted special codes.

5. Patents include an abstract, which allows you to search for information quickly, directly referring to the description and formula of the invention only when necessary.

6. The availability of classification symbols and coding of bibliographic information allows creating automated information systems databases, which are widely used for conducting information research.

According to the statistics of the World Organization for Economic Co-operation and Development, the number of applications submitted in a year in the world is 1.5 million. More than half a million applications become patents. Today, there is no exact static data on how many patent documents have been published since the first patents appeared. But their number is approximately 40 million. Naturally, the main part of patent documents belongs to the leading industrially developed countries. The minimum number of patent documents relied on by Patent Offices (including the State Patent Office of the Republic of Uzbekistan) when conducting a patent-information search on applications for the granting of a patent for inventions with WIPO standards (RST agreements) is determined.¹⁰ This minimum includes patent documents published since 1920 in Great Britain, Germany, Russia (including the former USSR), USA, France, Switzerland (only in French and German) and Japan. This minimum also includes publications of the European Patent Office and RST international patent applications published by the WIPO. Information search can also be conducted on other countries where this or that field of technology is developed. In order to obtain a patent of Uzbekistan, applicants must conduct an information search on Patent documents of Uzbekistan.

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⁹ 9. https://www.gov.il/en/service/filling_an_international_application_pct

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