

THE LEGALISATION OF INDUSTRIAL DESIGNS

Satvaldieva Yulduzkhon Khatamjan qizi

Tashkent State Law University

Senior Lecturer at the Department of Civil Law

Yulduz178@mail.ru

+998909009717

ABSTRACT

A wide range of industrial products: from technical and medical equipment to watches, jewelry and other luxury items, from home appliances and furniture to kitchen appliances and clothing, from architectural objects, interiors and vehicles to patterns on fabrics, clothing and footwear An industrial design shall be recognized as original if the set of its essential features is conditioned by the creative aspects of the product's properties. Upon expiration of the patent, the industrial design becomes public property, i.e. it is open for use by other persons. The following article is devoted to the legalization of industrial designs.

***Keywords:** legalization, industrial design, intellectual property, copyright, author, patent, validity, expiration.*

SANOAT NAMUNALARINING HUQUQIY TARTIBGA SOLINISHI

Сатвалдиева Юлдузхон Хатамжан қизи

Тошкент давлат юридик университети

Фуқаролик ҳуқуқи кафедраси катта ўқитувчиси

Yulduz178@mail.ru

+998909009717

ANNOTATSIYA

Ushbu maqolada sanoat namunalarini huquqiy tartibga solish masalalari muhokama qilinadi. Maqolada obyektlarni sanoat namunasi sifatida tan olish masalalari va unga qo'yilgan talablar ham ko'rib chiqilgan. Sanoat namunasi patentning amal qilish muddati, shuningdek sanoat namunasi qaysi vaqtdan boshlab huquqiy tartibga solinishi va unga berilgan patentning amal qilish muddati tugashining oqibatlarini atroflicha o'rganilgan.

Kalit so'zlar: qonuniylashtirish, sanoat namunasi, intellektual mulk, mualliflik huquqi, muallif, patent, amal qilish muddati, amal qilish muddati.

INTRODUCTION

Intellectual property can be divided into two legal areas:

- Copyright and related rights;
- Principles of separation of industrial property rights.

As mentioned above, the division of intellectual property into two areas of law is due to the following main differences in the principles of protection of these objects:

Copyright protects the form in which works of literature, science, and art find their true expression. This form of expression can be words, symbols, music, pictures, three-dimensional objects, or a combination of such forms (for example, a movie or theater, opera).

Copyright protects any type of work from copying, reproduction, or other reproduction, including public display, without special permission (without the author's consent). But copyright does not protect the Idea itself, which is reflected in this or that work. For example, if you have invented a new engine and written a book about it, copying and distributing that book is a violation of your copyright. However, anyone who wants to can read this book and start producing and selling the engine as described in it without any obstacles.

Another important point is that in almost all countries, copyright protection begins when a work is created and made available to the public, and does not require any formalities, such as registration or obtaining protection documents. Copyright infringement issues are considered in court;

Industrial property, unlike copyright, directly protects the Idea, in particular the technical, artistic and other essence of the product, which can be reused in various forms. For example, if the engine is protected as an object of industrial property, the protection obtained prohibits the manufacture and sale of all forms of this invention to other persons without special permission. In addition, an important difference between industrial property and copyright is that The right does not apply automatically from the time the relevant object, such as copyright, is created. In order to protect the rights of industrial property, for example, it is necessary to have a title deed to the invention. This protection document clearly defines the scope of rights guaranteed by the state for legal protection. Different countries have different

names for these protection documents. In most countries, patents for inventions and industrial designs are considered patents, and trademarks are considered certificates. For the protection of industrial property rights, in particular for the protection of an industrial object - a patent, certificate, etc. According to the results of the examination, the object must be officially registered, the object must be declared patentable and the patent must be issued to the competent state body. Naturally, a decision will be made to refuse to issue a protection document for objects that have not passed such examination (are not eligible for a patent). Such state bodies for industrial property rights exist in all countries where the protection of intellectual property rights is accepted and are called patent offices.

Patent offices are specialized state organizations that receive applications for industrial property, examine them, register them, issue protection documents, publish official materials, and perform other functions in the field of protection of intellectual property rights.

As mentioned above, the protection of industrial property rights comes into force not after the creation of the object, but after obtaining a certificate of protection. Typically, the validity of such a document is calculated from a certain date - the priority date of the industrial property

Each patent is granted to a specific (natural or legal) person who owns it or who owns it privately. A patent owner is the private owner of a patent and the owner of the exclusive rights arising from that patent.

A patent gives its owner the following exclusive rights to industrial property: the exclusive right to own, manage and use the property. Separate rights mean that no one may use (manufacture, sell, etc.) a protected invention, industrial design, etc. without permission. It is important to understand that a patent protects the technical nature of various forms of expression, and the exclusive rights to an object of industrial property apply regardless of whether the patent owner has the right to own a particular product.

Apparently, a patent gives its owner very important rights, so it is logical to limit the validity of the patent in time, otherwise these absolute rights or monopolies will lead to further development of society due to limited competition. 'can become compressed. For example, a patent for an invention has a limited validity period, averaging 20 years (varying in other countries).

It follows that any other person wishing to use an object that is the property of another person's intellectual property has only one legal option, which is to obtain the consent (permission) of the owner of that object. In order to clearly define the object

to be used, the period of use and the fees, it is necessary to issue a permit for use - a license agreement or a license.

The right to an object of industrial property belongs to the author (authors) or his (their) legal successor (successors) and is confirmed by a patent for an invention or industrial design, the original patent and a certificate of utility model.

If several persons have independently created an object of industrial property, the right to a patent, the first patent and the certificate shall belong to the person who first filed an application with the Patent Office.

MATERIALS AND METHODS

If the author of the object has filed an application or obtained a patent, initial patent or certificate as a result of unlawful misappropriation of the object, he may object to the issuance of a patent, initial patent or certificate in court or demand the issuance of a patent, initial patent or certificate as a patent owner or legal owner has the right to do.

The first patent and certificate shall be issued after the initial examination, and the patent shall be issued after the substantive examination of the object.

A patent for an invention confirms the novelty of the invention, the degree of invention, the authenticity of the patent and the exclusive right of the patent owner to own, dispose of and use the invention.

An industrial design patent confirms the novelty and originality of an industrial design, the authenticity of the patent and the exclusive right of the patent owner to own, dispose of and use the industrial design.

The exclusive right of the patent owner is valid from the date of publication of information on the patent, original patent or certificate in the official bulletin of the Patent Office. Types of protection documents, terms of protection. It is noted that the objects of copyright and related rights do not require registration anywhere, and the exclusive rights to these objects are valid from the date of the first publication of the work.

The law sets the following terms of copyright:
copyright to literature, science, art, music, and other objects is valid for the life of the author and for 50 years after his death. If there are several (co-authors) authors, this period is calculated from the date of death of the last author;
The period of validity of related rights is 50 years from the date of the first recording or performance (broadcast) of the work.

Unlike copyright, rights to industrial property objects are legally protected only after obtaining protection documents for such objects. The law provides for several

types of protection documents for various objects of industrial property, and the following protection documents are in force in Uzbekistan:

A patent for an invention is valid for twenty years from the priority date (priority) or from another date determined in accordance with the provisions of Article 18 of this Law - after the examination of the merits, and at the request of the patent owner may be extended for another five years;

a patent for an industrial design is granted after examination on the merits and is valid for 10 years from the date of priority, retains the possibility of extending the validity period for another five years at the request of the patent owner;

The first patent and certificate are valid for 5 years from the date of priority. A patent for an industrial property subject matter protected by the original patent may be granted at the request of the original patent owner after the subject matter has undergone a substantive examination.

Utility model patent - a utility model is issued after examination and is valid for 5 years from the date of priority and can be extended for another three years at the request of the applicant.

The trademark certificate is issued after examination and is valid for 10 years from the priority date of the trademark and retains the possibility of renewal for 10 years each time.

Legal protection of industrial property recognized as secret by the state shall be regulated by separate legislation.

In the Republic of Uzbekistan there is a State Committee for Industrial Safety whose main tasks include:

Coordination and control over the implementation of a unified state policy in the field of radiation and nuclear safety at nuclear power and nuclear technology facilities, as well as industrial safety at hazardous production facilities;

carry out state control and inspection of compliance with the requirements of legislation and technical regulations in the field of industrial, radiation and nuclear safety, safety of subsoil use and the use of amusement parks by legal entities and individuals;

Participate in the development of strategic plans and programs for the further development of the fuel and energy complex and key sectors of the economy in the country to ensure industrial, radiation and nuclear safety;

Coordination of state control bodies in the field of licensing, industrial, radiation and nuclear safety in the use of nuclear energy;

Improving the system of industrial safety examination and accreditation, as well as the organization of safety examination of facilities related to the use of nuclear energy;

to develop and adopt in accordance with the established procedure normative legal acts and normative documents in the field of industrial, radiation and nuclear safety, safe operation of subsoil use and use of amusement parks; implementation of strong cooperation with international and foreign organizations, as well as ensuring compliance with the obligations of the Republic of Uzbekistan under international agreements related to the activities of the industry;

CONCLUSION

Training of specialists in the field of industrial, radiation and nuclear safety, subsoil use safety, taking into account the rapid development of machinery and technology.

REFERENCE

1. William Stanley Jevons (January 1881). Richard Cantillon and the Nationality of Political Economy. Contemporary Review. The Contemporary Review Company. pp. 333–360.
2. Deakins, D.; Freel, M. S. (2009). "Entrepreneurial activity, the economy and the importance of small firms". Entrepreneurship and small firms. McGraw-Hill Education. ISBN 978-0-07-712162-4.
3. Civil Code of the Republic of Uzbekistan, Part 2. // National database of the legislation of the Republic of Uzbekistan: <http://www.lex.uz>
4. Law of the Republic of Uzbekistan "On guarantees of freedom of entrepreneurial activity". ORQ-328 02.05.2012. <https://lex.uz/ru/docs/-31846>
5. Civil Code of the Republic of Uzbekistan, Article 40. // National database of the legislation of the Republic of Uzbekistan: <http://www.lex.uz>
6. Armour, J., Kraakman, R. H., Hansmann, H. & John M. Olin Center for Law, Economics, and Business. (2009). The essential elements of corporate law: What is corporate law? Cambridge, MA: Harvard Law School, p-7.
7. Hautcoeur, P.-C., & Di Martino, P. (2013). The functioning of bankruptcy law and practices in european perspective (ca.1880-1913). Enterprise and Society. <https://doi.org/10.1093/es/kht037>
8. Aminjon, K. "COMPARATIVE ANALYSIS OF CORPORATE BANKRUPTCY IN UZBEKISTAN AND ABROAD." Herald pedagogiki. Nauka i Praktyka 1.5 (2021).

-
9. Caballero, R. J. (2010) Creative Destruction. In: S.N. Durlauf, & L.E. Blume (Eds.), Economic Growth, The New Palgrave Economics Collection (pp 24-29). London: Palgrave Macmillan.