

INDUSTRIAL PATTERN AS AN OBJECT OF PATENT LAW

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ABSTRACT

This article covers the artistic-constructive (design) solution of the appearance of some kind of object in industrial designs. Industrial samples can be volumetric (models), flat (pictures) or in the form of their mixture. In accordance with the legislation of the Republic of Uzbekistan, the novelty, originality and industrial application of the industrial pattern are the conditions of its patentability.

Key words: following fundamental, three-dimensional objects or a combination, Intellectual property, reproduction of this book

АННОТАЦИЯ

В данной статье рассматривается художественно-конструктивное (дизайнерское) решение внешнего вида какого-либо объекта в виде промышленных образцов. Промышленные образцы могут быть объемными (модели), плоскими (картины) или в виде их смеси. В соответствии с законодательством Республики Узбекистан новизна, оригинальность и промышленное применение промышленного образца являются условиями его патентоспособности.

Ключевые слова: основные, трехмерные объекты или их комбинация, интеллектуальная собственность, авторское право, репродукция книги.

INTRODUCTION

Intellectual property can be divided into two legal areas:

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

As we have already shown, the division of intellectual property into two branches of law is due to the following fundamental differences in the principles of the protection of these objects:

The author's right preserves the form in which the works of literature, science and art are clearly expressed. Such a form of expression can be words, logos, Music,

Pictures, three-dimensional objects or a combination of such forms (for example, a film or a theatrical post office, an opera).

Copyright protects any type of work from being copied, reproduced or otherwise reproduced without special permission (without author's consent), including display among the public. But the copyright does not protect itself from the idea that he or she reflected in this game. For example, if you invented a new divagate and wrote a book about it, then only the reproduction of this book distribution is considered a violation of your copyright. But whoever wants to read this book, without any hindrance, can establish the production and sale of the engine according to what is indicated in it.

Another important aspect is that the protection of copyright in almost all countries begins when the work is created and submitted to the public, and does not require any formalities, for example, registration, receipt of protection documents, etc. Issues related to the violation of copyright rights will be considered in court;

Industrial property preserves the technical, artistic and other essence of the work, which, in contrast to the author's right, can be reused many times in different forms directly into the idea, in particular. For example, if the engine is protected as an object of industrial property – an invention, the received protection prohibits the preparation and sale of all forms of implementation of this invention to other persons without special permission.

In addition, an important difference from the author's right to industrial property is that the right to industrial property does not apply itself from the time of the creation of such a relevant object as copyright. For the protection of industrial property rights, the presence of a document of protection, for example, to the invention, is mandatory. In this Protection document, the volume of rights guaranteed by the state is clearly defined. According to the legislation in different countries, these protection documents are named differently. In most countries, Protection documents issued for inventions and industrial samples were considered patents, and documents issued for trademarks were considered certificates.

For the protection of industrial property rights, in particular for obtaining a certificate of protection for an industrial object – a patent, a certificate, etc., it is necessary first of all to properly formalize the relevant application for the issuance of a protection document and to submit it to the competent state body that will conduct an examination of the conformity of the object. Naturally, a decision is made to refuse the issuance of a certificate of protection to objects that have not passed such an expertise (not worthy of a patent). Such state bodies on industrial property rights exist

in all countries where the protection of intellectual property rights is accepted, and are called patent offices.

Patent offices are a specialized state organization, accepting applications for industrial property objects, conducting them by expert examination, state registration, issuing protection documents, publishing official materials, as well as performing other functions in the field of protection of intellectual property rights.

MATERIALS AND METHODS

As already mentioned above, the protection of industrial property rights comes into force not after the creation of the object, but after obtaining a document of protection for it. As a rule, the validity period of such a document is calculated from a certain date – from the date of priority of the industrial property object

Each patent is granted to its owner or a specific (physical or legal) person who owns it privately. The owner of the Patent is the private owner of the Patent and the owner of exclusive rights arising from this patent.

The Patent gives its owner the following exclusive rights to industrial property objects – the exclusive right to own, manage and use the object. Separate rights indicate that no one can use the protected invention, industrial pattern, etc. without permission (preparation, sale, etc.).

It is necessary to understand that the patent protects the technical essence, which has different forms of expression, and individual rights to the object of industrial property are valid regardless of whether the patent holder has the right to own a particular brand, item.

It turns out that the patent gives its owner very important rights, so it makes sense to limit the validity period of the patent by time, otherwise this can become an obstacle in the further development of society due to the restriction of exclusive rights or Monopoly competition. For example, the validity period of the patent granted to the invention is limited, on average it takes 20 years (in different countries).

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It follows that any other person who wants to use an object that is a property of another person has only one legal capacity, that is, for this it is necessary to obtain the consent (permission) of the owner of this object. The object used in this, the period of Use and the permission granted to use for the precise determination of payments – the license agreement or the license must be formalized.

The right to the object of industrial property shall belong to the author (authors) or his (their) legal successor (heirs), and shall be confirmed by the patent of the invention or industrial sample, the initial patent and the certificate of the utility model.

In the event that several individuals independently created an industrial property object, the patent, the initial patent and the right to the guardianship will belong to the person who first submitted the application to the Patent Office.

The author of the object has the right to express dissatisfaction with the issuance of a patent, a preliminary patent or a witness in the judicial procedure, or to demand the issuance of a patent, a preliminary patent or a witness in the event that the person has received a patent, a preliminary patent or a witness, or a patent as the owner

The first patent and the guardianship are issued after the initial eclecticism, while the patent is issued after the examination of the object by a moss.

Invention patent-confirms the novelty of the invention, the degree of invention, the authenticity of the Patent and the exclusive right of the owner of the patent to own dispose of and use the invention.

Industrial sample patent confirms the freshness and originality of the industrial sample, the authenticity of the Patent and the exclusive right of the patent holder to own, dispose of and use an industrial sample.

The exclusive right of the Patent holder is considered to be valid from the date of publication of the official gazette of the Patent Office of the information on the patent, preliminary patent or guardianship.

RESULTS AND DISCUSSIONS

Types of protection documents, protection periods. As noted, the objects of copyright and related rights do not require registration anywhere, and individual rights to these objects are valid from the time the work was first published.

In accordance with the legislation, the following periods of validity of copyright are established:

Copyright to literature, science, art, musical works and other objects is valid for the entire life of the author and for 50 years after his death. This term is calculated from the date when the last author died, if there are several (co-authors);

The validity period of the rights of the resident will be equal to 50 years from the date of the first recording or playback (broadcast) of the work.

Unlike the copyright law, the rights to industrial property objects are protected by law only after obtaining documents for protection of such objects. The law provides for several types of protection documents for various objects of industrial property, and the following Protection documents are valid in Uzbekistan:

When calculating from the date of priority (priorityitet) or from another date established in accordance with the provisions of Article 18 of this law, the invention is valid for twenty years from the date of priority of the patent-invention, it is issued after the examination of the essence, and the patent can be transferred for another five years at the request of;

The industrial sample is issued after the examination of the patent – essence and is valid for 10 years from the date of priority; the patent retains the opportunity to extend the validity period at the request of the owner for another five years;

The initial patent and the guardianship are valid for 5 years, when counted from the date of priority. A patent for an industrial property object protected by a preliminary patent can be issued only after the examination of the object by a moss at the request of the owner of the initial patent.

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

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