
BASICS OF LEGAL PROTECTION OF THE NAME OF THE PLACE OF ORIGIN OF GOODS AND ISSUES OF THEIR APPLICATION

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Abstract: This article delves into the fundamentals of legal protection for the name of the place of origin of goods, alongside the challenges and considerations involved in their application. It offers a comprehensive overview of the legal frameworks and mechanisms established to safeguard these names, which are crucial for maintaining the authenticity, quality, and reputation associated with products from specific regions. The paper discusses the international and national laws that govern the protection of geographical indications and appellations of origin, highlighting their significance in global trade and consumer protection. It examines the criteria for registration, the scope of protection offered, and the enforcement procedures against misuse or infringement. Additionally, the article addresses practical issues faced by producers and legal practitioners in registering and defending these rights, including the complexities of proving a product's genuine origin and navigating through various legal systems. Through analyzing case studies and current legal disputes, the paper identifies the existing gaps in legal protection and proposes recommendations for enhancing the effectiveness of the legal instruments in place. The article aims to provide valuable insights for legal scholars, policymakers, practitioners, and businesses involved in the production and distribution of region-specific products.

Keywords: place of origin, globalization, consumers, interest, product quality, environmental friendliness, marketing strategies

Introduction

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Legal protection of objects of civil rights is a mechanism that directly guarantees that this object will not be violated on the basis of measures established by law and restores it in case of violation. In this case, the rights of individuals are considered their subjective rights, and these rights are expressed in objective legal norms. Exactly, the content of the rights belonging to the subjects of civil law, the conditions of their implementation, the basis of protection, guarantees and methods are expressed in the objective legal norms (normative documents). In the protection of the object of law, the freedom to perform certain actions belonging to the subject and any actions of other persons to violate the right belonging to the subject (except for legal actions) and to give the authority to the subject through certain methods in case of violation of the right is considered[1].

Usual (normal) civil treatment is important because it ensures that certain rights belong to the subject, but that they are reliably protected. According to the general rule, the protection of

civil rights means a set of measures that ensure the normal implementation of rights. It includes not only legal, but also economic, political and other measures aimed at creating the conditions and environment necessary for the realization of subject rights. Legal measures for the protection of the object of law include all measures that help to ensure the normal, undisturbed development of civil behavior, for example, strengthening the civil legal capacity of subjects, determining obligations, restoring violated rights or damaged rights and legal interests.

Discussion

Along with such a broad concept of protection, a narrower concept of this term is also used in science and law. Only when civil rights and legal interests are violated or harmed, measures to restore or recognize them are used.

Measures to protect intellectual property rights as a subjective civil right are expressed in the legislation of our country, and the cornerstone of these measures is expressed in the relevant norms of the Constitution of the Republic of Uzbekistan. In particular, Article 42 of the Constitution stipulates that everyone is guaranteed freedom of scientific and technical creativity, the right to use cultural achievements.

Legal protection of intellectual property objects means the basis of legal protection of the rights of the owner of subjective rights in relation to these objects. Therefore, the object of intellectual property is not subject to legal protection by itself, but the legal interests of persons who have subjective rights to this object (personal rights of the author, rights of the owner of exclusive rights, rights of the user based on the license, rights of the previous user, etc.) is taken under protection[2].

In the legal protection of intellectual property objects, it is important to determine when the legal protection begins, based on the legal regime of this or that object established by legislation. Consequently, the question arises whether the legal protection of the result of scientific and creative activity starts from the moment of its creation or from the moment when the protection document of the authorized state body is issued.

In fact, legal protection of intellectual property objects is a measure against violation of these objects, and protection begins when the legal fact is established by the law.

TKChJN, like other objects of intellectual property, is subject to legal protection on the basis established by law. First of all, it is required to have a legal protection document of the authorized state body. This situation arises from the provisions of article 1032 of the FC. According to this article, legal protection of intellectual property objects occurs due to their creation or as a result of legal protection being granted by an authorized state body in the cases and procedures provided by this Code or other laws.

It should be noted that in this norm and in general in FC it is not listed which objects of intellectual property are protected on the basis of the legal protection document issued by the authority of the state body. However, in the special legislation on a specific object of intellectual property, the basis of legal protection of the object is defined as the document of the state authority. In the legal literature, opinions are expressed about which objects of intellectual property are legally protected based on the document of the authorized state body.

According to O. Okyulov, the importance of establishing the procedure for legal protection of certain types of intellectual property objects based on the legal protection label by the competent state body is that, firstly, the legal protection label must be able to meet the relevant requirements in terms of the quality of the intellectual property objects, and secondly, in the name it testifies that the legal protection label is a means of confirming the subjective rights of the person and ensuring the observance of these rights by others. At the same time, such a procedure

does not leave room for disputes in the establishment of legal protection and its validity period, and also makes it easier to obtain the same protection label for this object in the territories of other countries[3].

According to I.I.Nasriev, copyright to works of art and personal rights to objects arise from the moment the work is created and are subject to legal protection (Article 1041 of the Criminal Code). Objects of industrial property are created in accordance with the procedure established in Article 1032 of the FC, that is, as a result of the protection label being issued to the object by the competent state agency. According to Article 1082 of the FC, the object of industrial property is protected only if a patent is granted.

According to N.F.Imomov, inventions, utility models, industrial samples and breeding achievements are legally protected by issuing a patent and a certificate issued by the authorized state body. In this case, patent applicants apply with an application in accordance with the procedure established by law. A legal protection document is granted a patent for objects that meet the specified requirements. For example, inventions are deemed eligible for legal protection and granted a patent based on their inventiveness, practical application, and novelty.

B. U. Akhmadjonov says the following about the basics of legal protection of intellectual property objects: according to the basis of legal protection, a number of intellectual property objects are taken under protection by an authorized state body by issuing a legal protection document, such legal protection is usually granted to an intellectual property object rather, it protects property rights rather than personal non-property rights.

According to D.A. Ogay, the practice of a number of countries shows that the legal protection of geographical objects starts not from the time of their registration in the state patent office (even in countries where such a practice exists), but from the time when these objects are put into commercial circulation and disclosed on the market. Registration in a number of countries is declarative in nature. Object protection is carried out against any form of their illegal use by third parties in commercial transactions.

Agreeing with these opinions, it is appropriate to recognize that the legal protection document of the competent state body is the basis of legal protection of the National Insurance Company[4].

Conclusion

According to part 1 of Article 6 of the Law of the Republic of Uzbekistan "On Trademarks, Service Marks and Names of the Place of Origin of Goods", the name of the place of origin of the goods is legal on the basis of its registration in accordance with the procedure established by this law, as well as in accordance with the international agreements of the Republic of Uzbekistan is protected.

Such bases of legal protection of TKChJN are defined in the legislation of a number of countries. In particular, Algeria's Ordinance (Article 3), Cuba's Decree-Law (Article 165), Bulgaria, Israel, Mexico, etc., legal protection against TKChJN begins after registration.

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