



НАУЧНАЯ АРТЕЛЬ

АКАДЕМИЧЕСКОЕ ИЗДАТЕЛЬСТВО

16+

ISSN (p) 2411-717X

ISSN (e) 2712-9470

№ 2/2023

**НАУЧНЫЙ ЖУРНАЛ
«CETERIS PARIBUS»**

Москва
2023

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THE CONCEPT OF INTELLECTUAL PROPERTY RIGHTS

Annotation

Intellectual property rights are regulated on the basis of national and international legal instruments relating to intellectual property. During the period of Turkmenistan's cooperation with other states in the economic, scientific and cultural spheres, relations between the states, as well as between enterprises, firms, citizens of different states arose, and legal issues arose in the field of international private law in the field of international public relations between legal entities and individuals.

Key words:

Intellectual property; WIPO; Convention; Law; Economic.

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ПОНЯТИЕ О ПРАВАХ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

Аннотация

Права интеллектуальной собственности регулируются на национальных и международных правовых документах, касающихся интеллектуальной собственности. В период сотрудничества Туркменистана с другими государствами в экономической, научной и культурной сферах возникли отношения между государствами, а также между предприятиями, фирмами и гражданами разных государств, а в сфере международного частного права возникли правовые вопросы. в международных общественных отношениях между юридическими и физическими лицами.

Ключевые слова:

Интеллектуальная собственность, ВИПО, Конвенция, Право, Экономика.

Intellectual property, very broadly, means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields. Countries have laws to protect intellectual property for two main reasons. One is to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations. The second is to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.

Intellectual property law aims at safeguarding creators and other producers of intellectual goods and services by granting them certain time-limited rights to control the use made of those productions. Those rights do not apply to the physical object in which the creation may be embodied but instead to the intellectual creation as such. Intellectual property is traditionally divided into two branches, "industrial

property” and “copyright.”

The Convention Establishing the World Intellectual Property Organization (WIPO), concluded in Stockholm on July 14, 1967 (Article 2(viii)) provides that “intellectual property shall include rights relating to:

- literary, artistic and scientific works,
- performances of performing artists, phonograms and broadcasts,
- inventions in all fields of human endeavor,
- scientific discoveries,
- industrial designs,
- trademarks, service marks and commercial names and designations,
- protection against unfair competition,

and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.”

The areas mentioned as literary, artistic and scientific works belong to the copyright branch of intellectual property. The areas mentioned as performances of performing artists, phonograms and broadcasts are usually called “related rights,” that is, rights related to copyright. The areas mentioned as inventions, industrial designs, trademarks, service marks and commercial names and designations constitute the industrial property branch of intellectual property. The area mentioned as protection against unfair competition may also be considered as belonging to that branch, the more so as Article 1(2) of the Paris Convention for the Protection of Industrial Property (Stockholm Act of 1967) (the “Paris Convention”) includes “the repression of unfair competition” among the areas of “the protection of industrial property”; the said Convention states that “any act of competition contrary to honest practices in industrial and commercial matters constitutes an act of unfair competition” (Article 10bis(2)).

The expression “industrial property” covers inventions and industrial designs. Simply stated, inventions are new solutions to technical problems and industrial designs are aesthetic creations determining the appearance of industrial products. In addition, industrial property includes trademarks, service marks, commercial names and designations, including indications of source and appellations of origin, and protection against unfair competition. Here, the aspect of intellectual creations—although existent—is less prominent, but what counts here is that the object of industrial property typically consists of signs transmitting information to consumers, in particular as regards products and services offered on the market, and that the protection is directed against unauthorized use of such signs which is likely to mislead consumers, and misleading practices in general.

The World Intellectual Property Organization (WIPO) is one of the specialized agencies of the United Nations (UN) system of organizations. The “Convention Establishing the World Intellectual Property Organization” was signed at Stockholm in 1967 and entered into force in 1970. However, the origins of WIPO go back to 1883 and 1886, with the adoption of the Paris Convention and the Berne Convention respectively. Both of these conventions provided for the establishment of international secretariats, and both were placed under the supervision of the Swiss Federal Government. The few officials who were needed to carry out the administration of the two conventions were located in Berne, Switzerland.

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