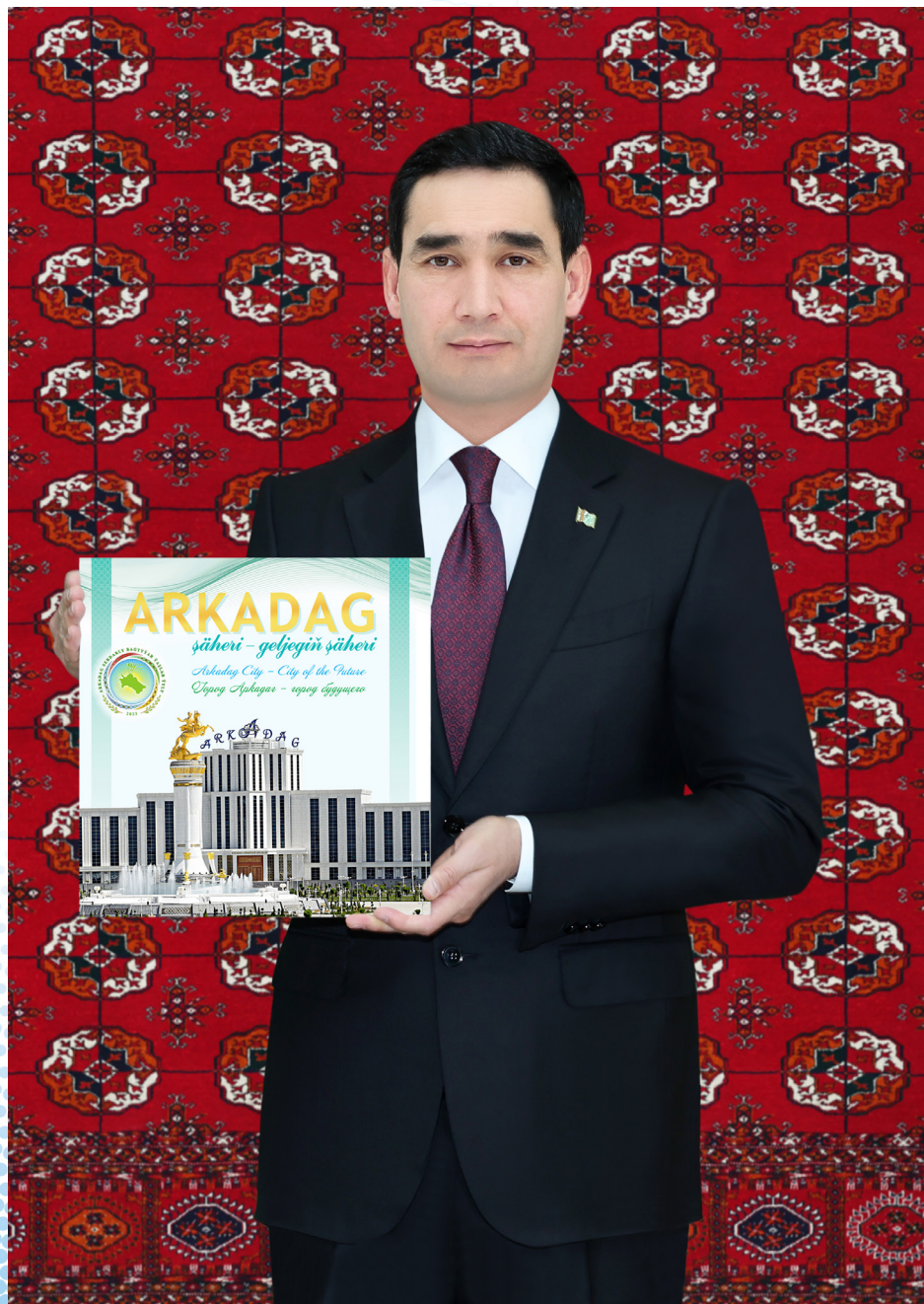


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# INTERNATIONAL COOPERATION OF TURKMENISTAN IN THE FIELD OF PROTECTION OF INTELLECTUAL RIGHTS

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From the first days of its independence, Turkmenistan set itself the first goal of developing foreign policy. From those days until now, Turkmenistan's foreign policy based on neutrality has been highly appreciated in the world community. Currently, Turkmenistan has established active diplomatic relations with more than 150 countries of the world.

One of the main principles of the foreign policy strategy of a neutral state is the development of bilateral and multilateral relations with the world community. The development of relations with international organizations, first of all with United Nations, remains one of the priority areas of Turkmenistan's foreign policy strategy. Our state highly values strategic cooperation with this organization.

In today's increasingly globalized world, intellectual property plays an increasingly important role in maintaining trusting relationships. It is estimated that intellectual pro-

perty covers about 80% of the products marketed worldwide today. These indicators testify to the great role of intellectual property in maintaining a stable economic situation in the world. According to current trends, intellectual property products are commoditized in different places. The main goal of many products produced by intellectual property is to be a commodity in high demand in the world market.

In order to further guarantee and protect the work of intellectual property, strengthening its legal basis is the first principle. Originally, the term "intellectual property" was believed to have originated from 18th-century French law, which was interpreted as an agreement between the author and society. But over time, John Locke managed to prove that intellectual property is a natural right. Today, the term "intellectual property" is defined in Article 2 of the World Intellectual Property Organization Convention adopted on July 14, 1967.

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Intellectual property rights are mainly regulated at the national level. At the international level, such rights regulated to a relatively small extent: mainly determines the procedure for the application of national legislation in relation to users of rights from other countries, as well as the conditions for the international circulation of rights to objects of intellectual property.

International legal norms in the field of protection of intellectual property rights are represented by the following areas:

- Protection of copyright (protection is provided by virtue of the fact of the creation of an object on the territory of all countries parties to international treaties and conventions);
- protection of industrial property (protection of the applicant in a particular area);

- Protection of non-traditional objects – production secrets (know-how), commercial designation.

In order for such protection to be granted, it is necessary to seek appropriate protection under the law of another State or to negotiate protection under an international agreement.

The totality of relevant international agreements in the field of intellectual property forms a system of international legal order for the regulation of intellectual property rights. It should be noted that drafted works on their preparation and adoption began quite a long time ago. Even at the end of the XIX century. The first

international agreement in the field of intellectual rights was signed – the Paris Convention for the Protection of Industrial Property of 1883. The purpose of the adoption of this convention was to overcome the territorial effect of the protection of exclusive rights and the international protection of intellectual property rights. The international standards established by the Paris Convention for the Protection of Industrial Property of 1883 are today supported by most countries of the world (more than 160 states participate in the Paris Union).

The national system of intellectual property in Turkmenistan has been operating since 1993. In addition, Turkmenistan currently has active relations with the World Intellectual Property Organization (WIPO), a specialized agency of the United Nations.

The contractual-legal basis of these relations is constantly strengthened, new types of multilateral relations are created.

Currently, there are 30 main international conventions, agreements, treaties, protocols and other documents in the field of intellectual property. 26 of them are managed by the WIPO, World Trade Organization, European Patent Organization, and the remaining by the United Nations Educational, Scientific and Cultural Organization.

The World Intellectual Property Organization is one of the main organizations that regulates the atti-

tude of states in the field of intellectual property. Since 1991, Turkmenistan has been a full member of that organization. In 2013, the State Service for Intellectual Property of the Ministry of Finance and Economy of Turkmenistan was established. In 2021, it has been 30 years since Turkmenistan became a member of the organization.

In the years after independence, the patent system of Turkmenistan was further developed. Currently, a national model of the patent system has been established, which provides legal protection of industrial products, limited ownership patent, patent for industrial designs, etc.

The national patent system is established in accordance with the Patent Law of Turkmenistan adopted in October 1993 and international agreements. By establishing the material and non-material relations resulting from the legal protection of the industrial product, this law became the main impetus for further development of the national economy.

The task of the national patent system and copyright system is carried out under the supervision of the State Service for Intellectual Property of the Ministry of Finance and Economy of Turkmenistan.

In 1995, Turkmenistan signed an agreement to join the Eurasian Patent Convention. In June 1999, Turkmenistan joined the Protocol of the Madrid Agreement on the International Registration of Trademarks.

The procedure for concluding, implementing and terminating international agreements in Turkmenistan is determined by the Law of Turkmenistan “On International Treaties of Turkmenistan”.

Of the above-mentioned treaties, the Convention establishing the World Intellectual Property Organization and the Paris Convention for the Protection of Industrial Property are the most general, as they include all objects of intellectual property and the main principles of their protection in all countries that are parties to these treaties without exception. As for the Patent Cooperation Treaty, the Eurasian Patent Convention and the Protocol to the Madrid Agreement, these treaties are called registration treaties, as they provide for the creation of a system of international registration of industrial property rights. These treaties define the main scope of work of the International Bureau of the World Intellectual Property Organization (WIPO) and, for many, the main scope of work of national Patent Offices.

In the future, Turkmenistan joined seven more international agreements dedicated to objects of intellectual property. This is in particular:

– Strasbourg Agreement on International Patent Classification (1971);

– Locarno Agreement on the Establishment of the International Classification of Industrial Designs (1968);



– The Nice Agreement on the International Classification of Goods and Services for the Registration of Marks (1957);

– Vienna Convention on the Establishment of the International Classification of Figurative Elements of Marks (1973).

– The Hague Convention on the International Registration of Industrial Designs (1925)

– Berne Convention for the Protection of Literary and Artistic Works (1886)

– International Convention for the Protection of the Rights of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) (1961)

The common unifying principle inherent in these agreements is their focus on ensuring the classification, systematization and search of documents containing descriptions of intellectual property objects. Thus, the importance of these agreements is

that they allow to organize the entire huge layer of scientific and technical and patent information and thus facilitate access for users to work with these documents.

Experts note that the growth of the intellectual property market is ahead of the pace of development of the material assets market. If a few years ago, the digital market of intellectual property practically did not exist, today, thanks to advanced technologies, new products, goods, services and new markets are formed.

Turkmenistan is forming an innovative economy, supporting entrepreneurship as the driving force behind this strategy. It should be noted that international agreements open up huge opportunities, both for our country and for foreign companies, firms, entrepreneurs and individuals, who have shown great interest in the market of Turkmenistan during the years of independence.

Foreign applicants may, in particular, obtain the right to protect their objects of industrial property in Turkmenistan through national or international registration.

Turkmenistan constantly pays close attention to the study and use of the best world experience in the national practice on the protection of intellectual property rights. One of the positive results of this meeting is the establishment in March 2013, at the initiative of the Honorable Hero Arkadag, of the State Intellectual Property Service of the Ministry of Economy and Finance of Turkmenistan.

Summarizing the above, and between 2021 and 2025, Turkmenistan's accession to international agreements, which are currently not participating and are managed by the WIPO (a total of 12 international documents), will encourage investment activity in the country, develop the business environment, and increase the competitiveness of the national economy in the international arena. Accession to several approved conventions of the world will ensure the development of the legislative power of Turkmenistan in accordance with modern trends.

From a political point of view fairly comprehensive research categories of intellectual property almost impossible without studying eco-

economic side of this phenomenon, since the foundation of any social institution is phenomenon of interest as a basic economic phenomenon. Despite the fact that legal representations of intellectual property originated much earlier than economic, however, legal structures were built before in total, based on the interest of the subjects intellectual property. Considering retrospective analysis transformation of economic relations about the use of results intellectual activity is necessary note that the system of protection of objects intellectual property was created in view of its direct economic feasibility.

Based on the fact that, 80% of intellectual property products are commodities, and the improvement of laws regulating intellectual property in the country will further strengthen Turkmenistan's economic position in the world arena. Young people are also a major driving force as they grow to keep up with the globalization era. With the establishment of cooperation with the above-mentioned international organizations, the number of bilaterally organized classes began to increase every year. This plays a key role in guiding the younger generation to correctly understand the current role of intellectual property and be able to use it appropriately.